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THE

# Statutes at Large

OF

# PENNSYLVANIA

FROM

1682 to 1801

COMPILED UNDER THE  
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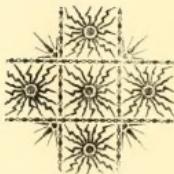
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1782

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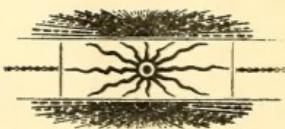


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**PREFATORY NOTE.**

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The notes and index have been prepared under the supervision of the Commission by Harry S. Ambler, Jr., and Walter P. Bishop, Esquires.



# THE STATUTES AT LARGE OF PENNSYLVANIA.

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## CHAPTER CMXCVI.

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AN ACT FOR THE RELIEF OF JOHN SENSENIGH, AN INSOLVENT DEBTOR, CONFINED IN THE GAOL OF LANCASTER COUNTY.

(Section I, P. L.) Whereas John Sensenigh, a prisoner confined in the gaol of Lancaster county for debt, by his petition to the late house of assembly hath set forth that by reason of divers losses and misfortunes he is wholly unable to satisfy his creditors, and hath prayed that he may be discharged from further confinement, and it appearing that the said John Sensenigh has fully complied with the directions of the late house in giving proper notice in the newspapers of his application and the prayer of his said petition being found reasonable and necessary by this house:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the county court of common pleas in and for the county of Lancaster, (by the process of which court the said John Sensenigh hath been com-

mitted) be and they are hereby authorized and required upon the petition of the said John Sensenigh to grant unto him the like relief as by the laws of this state is provided and enacted for insolvent debtors who are confined in execution for debt, not exceeding one hundred and fifty pounds to any one person.

[Section II.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That the same court upon such petition being made to them by the said John Sensenigh for his discharge as aforesaid, shall thereupon proceed in all things conformably to the purport, intent and meaning of the several acts of assembly now in force in this commonwealth for the relief of insolvent debtors not owing more than one hundred and fifty pounds to one person as aforesaid that their discharges be equally valid and effectual, and their proceedings equally good and binding, to all intents and purposes whatsoever.

[Section III.] (Section IV, P. L.) Provided always, and be it further enacted by the authority aforesaid, That if any creditor or creditors of the said John Sensenigh do not or shall not reside in the state at the time of such proceedings before the same court that the service of notice of the application to the said court or of any rule or order of the same court in the premises on the known agent or attorney of such creditor or creditors within this state shall be equally good and effectual as if the same notice or notices were served on such creditor or creditors in person.

Passed November 18, 1782. Recorded L. B. No. 2, p. 27, etc.

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## CHAPTER CMXCVII.

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AN ACT TO VEST THE ESTATE OF JOHN SPERING, LATE OF EASTON,  
IN THE COUNTY OF NORTHAMPTON, CORDWAINER, IN HIS FOUR  
CHILDREN.

(Section I, P. L.) Whereas John Spering late of Easton in Northampton county sometime in the month of March in the year of our Lord one thousand seven hundred and seventy-eight left his said place of abode and family and without any

leave or license for so doing passed the enemy's lines, and it is supposed took his passage for England the place of his nativity:

(Section II, P. L.) And whereas in pursuance of an act of assembly entitled "An act for the attainer of divers traitors if they render not themselves by a certain day and for vesting their estates in this commonwealth and for more effectually discovering the same and for ascertaining and satisfying the lawful debts and claims thereupon"<sup>1</sup> the supreme executive council of this commonwealth did by proclamation summon the said John Spering to render himself to some one of the justices of the supreme court; or of the justices of the peace of one of the counties within this state on or before the day in the said proclamation limited and appointed, in order to abide his legal trial for his said offence, or for any treason or misprison of treason which might be charged against him:

(Section III, P. L.) And where as the said John Spering failing to obey and comply with the terms of the said proclamation became attaint of high treason, and the agents for forfeited estates in the county of Northampton in pursuance of the said act of assembly did seize his real estate and property, to wit, a certain wooden house or tenement and lot of land in the said town of Easton, on the north side of the great square, marked in the plan of the said town "number one hundred and forty" and thereupon his eldest son Henry Spering in behalf of himself, his brother John Spering now a soldier in the army of the United States, in the Pennsylvania line, and two sisters, Jane Spering and Elizabeth Spering, has craved the mercy of this house, to which they were at the same time recommended by a number of reputable inhabitants of the said town of Easton:

(Section IV, P. L.) Therefore and in order to give relief to these children:

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said real and personal estate whereof the said John Spering stood seized and possessed of at the time of his

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<sup>1</sup> Passed March 6, 1778, Chapter 784.

attainder be and is hereby vested in the said Henry Spering, John Spering, Jane Spering and Elizabeth Spering, and their heirs and assigns forever, equally to be divided between them as tenants in common and not as joint tenants, subject nevertheless, and liable to the payment and discharge of all the just debts of the said John Spering, the father, and of the charges and expenses which may have been incurred in pursuance of the said attainder and the consequent forfeiture and seizure thereof, to be settled and established by the justices of the supreme court upon claims to them exhibited in like manner as the claims of persons against other forfeited estates are to be settled by law.

Passed November 22, 1782. Recorded L. B. No. 2, p. 28, etc.

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## CHAPTER CMXCVIII.

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### AN ACT FOR RAISING AN IMPOST ON GOODS, WARES AND MERCANDISE IMPORTED OR BROUGHT INTO THIS STATE BY LAND.

(Section I, P. L.) Whereas the merchants and traders of the city of Philadelphia, by their memorial have set forth that large quantities of merchandise are imported or brought into this state by land and are not liable to the payment of the duty or impost which arise on goods, wares and merchandise, imported by water according to the act entitled "An act for an impost on goods, wares and merchandise imported into this State," passed the twenty-third day of December in the year of our Lord one thousand seven hundred and eighty,<sup>1</sup> and the act "For guarding and defending the navigation in the bay and river Delaware, and for other purposes therein mentioned," passed the ninth day of April in the year of our Lord one thousand seven hundred and eighty-two.<sup>2</sup>

(Section II, P. L.) And whereas the intention of the above recited acts may be evaded by bringing or importing goods,

Passed November 22, 1782. Recorded L. B. No. 2, p. 27, etc.

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<sup>1</sup> Passed December 23, 1780, Chapter 925.

<sup>2</sup> Passed April 9, 1782, Chapter 965.

wares and merchandise by land, and many evils in consequence arise:

For remedy whereof,

[Section I.] (Section III, P. L.) Be it enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act there shall be raised, collected and paid the duties hereinafter set forth upon all goods, wares and merchandise brought into this state by land except as herein after excepted, that is to say, upon every gallon of rum, brandy and other spirituous liquors four pence, upon every gallon of Maderia wine eight pence, upon all other wines four pence, upon all wines in bottles one shilling per dozen, upon every hundred weight of unrefined sugar two shillings, upon every hundred weight of loaf sugar three shillings, upon every gallon of molasses two pence, upon every hundred weight of coffee two shillings, upon every hundred weight of cocoa two shillings, upon every pound of green tea one shilling, upon every pound of Bohea and other teas two pence, upon all other goods, wares and merchandise two per centum upon the value thereof:

(Section IV, P. L.) Provided always, That nothing in this act shall give any authority to demand or collect any impost or duty on common salt, saltpetre, gunpowder, lead or shot, or on goods, wares and merchandise of the growth product or manufacture of the United States of America or any of them.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the owner, factor or consignee of any goods, wares or merchandise made dutiable by this act shall within twenty-four hours after their arrival enter the same with the naval officer of the city of Philadelphia or his deputies in other parts of the state and specify the packages, marks and number thereof, and the nature and quantity of their contents in number, weight and measure as they are commonly counted, estimated and sold.

(Section VI, P. L.) Provided always, That on the arrival of goods, wares or merchandise in any borough, township or district where there is no deputy of the naval officer, then and in

such case the owner, consignee or factor shall make entry as aforesaid, with the next justice of the peace who is hereby authorized and empowered to proceed [and] act in manner and form as the naval officer or his deputy is empowered and enjoined to do.

[Section III.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any owner, factor or consignee shall unload or cause to be unloaded any goods, wares and merchandise from any wagon, cart, dray, stage-coach or other conveyance before entry made as aforesaid and having obtained a permit for so doing, every person so offending shall forfeit and pay the sum of one hundred pounds, and all goods, wares and merchandise so unloaded or the value thereof shall be forfeited and the goods shall be seized by the said naval officer or his deputy.

(Section VIII, P. L.) And to the end that all duties herein imposed may be duly collected and paid,

[Section IV.] Be it further enacted by the authority aforesaid, That all the powers and authorities, and the penalties, regulations and directions given and expressed in and by the aforesaid act entitled "An act for an impost on goods, wares and merchandise imported into this state,"<sup>3</sup> shall be and they are hereby extended to enforce the collection of the duties hereby imposed and laid as fully and amply to all intents and purposes as if the same was herein repeated and enumerated.

[Section V.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the duties arising by virtue of this act be and the same are hereby appropriated for guarding and defending the navigation of the bay and river Delaware, in addition to the funds appropriated for that purpose in and by the act entitled "An act for guarding and defending the navigation in the bay and river Delaware and for other purposes therein mentioned,"<sup>4</sup> passed the ninth day of April, one thousand seven hundred and eighty-two as aforesaid.

[Section VI.] (Section X, P. L.) Provided always, That the duties hereby imposed and laid shall continue no longer than

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<sup>3</sup> Ante.

<sup>4</sup> Ante.

the armament for the defence of the river and bay as aforesaid is kept up, and in conjunction with the other duties appropriated by law to that purpose, the debts arising thereon and interest are fully paid.

Passed November 22, 1782. Recorded L. B. No. 2, p. 29, etc. Repealed by the act of assembly passed September 17, 1783, Chapter 1032.

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## CHAPTER CMXCIX.

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### AN ACT TO STAY AND PREVENT SUITS BEING BROUGHT AGAINST SUNDRY OFFICERS, DEPUTIES OR AGENTS HERETOFORE EMPLOYED IN THE SERVICE OF THIS STATE, AND OF THE UNITED STATES.

(Section I, P. L.) Whereas sundry inhabitants of this state, duly authorized and appointed agreeable to the resolutions of Congress have acted as agents for the United States in the several characters of commissaries, quartermasters, forage-masters, and in the clothier and medical departments:

(Chapter II, P. L.) And whereas other persons under the proper authority and appointment of this state have also acted in the same characters and through their laudable zeal for the good of the service have not only used their best endeavors as public officers but have also engaged their private credit in many instances for the payment of public debts:

(Section III, P. L.) And whereas the honorable Congress by their act of the twentieth day of February last pointed out a mode for the speedy settlement and liquidation of public accounts and by their resolve of the nineteenth day of March last have recommended to the several legislatures of the United States to stay and prevent suits of individuals against public officers, their deputies and agents. And it appearing to this legislature highly unjust that any person or persons having acted as public officers or deputies and agents aforesaid should be involved in distress and ruin in consequence of their honest and virtuous exertions for the common interest and safety of the public:

[Section I.] (Section IV, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That in every case where any action hath been, or hereafter shall be brought, during the continuance of this act, against any person or persons who have acted in any of the public departments aforesaid either as principals, deputies or agents, upon any contract, bargain or agreement, and which was entered into before the first day of January last, the court before whom such action hath or may be prosecuted shall upon application proceed in a summary manner into the examination of the circumstances of such suit; and if it shall appear to the satisfaction of the court that the debt or sum sued for was contracted by the said officer, his agent or deputy, for the public service, and that the property for which said contract was made was delivered and came to the use of the public at the price for which said property was originally purchased by said officer, his agent or deputy and that the said officer, agent or deputy hath not had a settlement and payment of his accounts nor hath sufficient of the public money in his hands so as to enable him to discharge the debt or demand in question therewith to all and every which queries the said officer, deputy or agent shall answer on oath or affirmation if thereto required by the plaintiff, then and in such case the said court are hereby empowered and required to order a stay of all proceedings on such action or actions.

(Section V, P. L.) Provided always, That where any plaintiff or plaintiffs in any suit heretofore brought or which may hereafter be brought against any public officer, agent or deputy as aforesaid, shall by authenticated official papers, or other sufficient evidence (for which purpose it shall be lawful for any such plaintiff or plaintiffs to call for and require and the courts are hereby enjoined to order to be produced on oath or affirmation all the books and papers kept by such officer, his deputy or agent, of his or their agency), make it appear to the satisfaction of the court that the defendant in such suit hath settled his accounts and received payment for the balance due to him as an officer, agent or deputy as aforesaid from the public or

that he hath sufficient public money in his hands to pay the debt or demand for which such suit hath or may be brought, then and in such case it shall be lawful for such plaintiff or plaintiffs to prosecute their suit or suits in the usual course of law to judgment and execution, anything hereinbefore contained notwithstanding.

(Section VI, P. L.) And if public money sufficient to discharge the whole of such debt or demand for which such suit hath or may be brought shall not be in his or their hands or possession, that then and in such case judgment and execution with costs of suit in the usual course of law shall proceed against the said public officer, agent or deputy as aforesaid for such sum or sums of public money as shall be found on the evidence aforesaid to be in his or their hands or possession.

(Section VII, P. L.) Provided also, That if the plaintiff in any such suit shall recover only part of his debt or demand as aforesaid from such public officer, agent or deputy, such recovery shall not prevent, hinder or be a bar to his prosecuting any other suit hereafter against such officer, agent or deputy for the residue of his debt or demand, in case the said officer, agent or deputy shall hereafter receive more public money to pay and discharge the debts or demands so contracted by him as aforesaid.

(Section VIII, P. L.) Provided also, That nothing in this act contained shall be construed or taken to render any of the said officers, agents or deputies, liable for the payment of such debts or demands, further or otherwise than they were or might have been liable for the payment of the same by law before the passing of this act.

[Section II.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That to enable the plaintiff or plaintiffs the better to support such suit or suits all officers or other persons within this state who are in possession of books, official papers, or other authentic documents, shall and they are hereby required on application to him or them made for that purpose to make out and certify copies from such books, official papers, and other authentic documents or such parts thereof as such plaintiff or plaintiffs shall think necessary; which copies so made out and certified on oath or affirmation shall be evidence

to the court so far as they may relate to the staying or prosecuting such suit or suits, and in no other case whatsoever; excepting in such cases wherein they may be considered by the court as legal evidence.

[Section III.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in force for the term of eighteen months from the publication hereof and from thence to the end of the next sitting of the general assembly and no longer.

Passed November 29, 1782. Recorded L. B. No. 2, p. 31, etc.

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## CHAPTER M.

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### AN ACT TO PREVENT THE ERECTING ANY NEW AND INDEPENDENT STATE WITHIN THE LIMITS OF THIS COMMONWEALTH.

(Section I, P. L.) Whereas by the separation of the thirteen United States from Great Britain the commonwealth of Pennsylvania hath become a sovereign and independent state, and in consequence of such separation a government established solely on the authority of the people hath been formed, and it being evident that every county hath by the constitution or by-laws enacted for that purpose an incontestable right to send deputies to represent them in the general assembly, and that they have exercised that right, they being now actually represented in this house, therefore all the inhabitants of this commonwealth as they are under the protection of its laws are bound by and do owe allegiance thereto:

(Section II, P. L.) And whereas great exertions have been made for the defense of the frontiers and large sums expended therein, notwithstanding the embarrassments and difficulties under which the commonwealth hath, and still doth labor in its finances:

(Section III, P. L.) And whereas this commonwealth is indebted to the late proprietaries of Pennsylvania in a large sum of money payable at the end of the war, and each and every coun-

ty ought to contribute its just part or proportion for that end, and the unlocated lands within this state are, and always have been considered a valuable fund towards paying and discharging the said debt:

(Section IV, P. L.) And whereas notwithstanding the premises this house hath received information that divers ill disposed persons, setting at naught every principle of public virtue and pursuing their ambitious and interested views, have caused great uneasiness among the good people of this state by manifesting the most criminal design of setting up a distinct state or government within this commonwealth:

[Section I.] (Section V, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if any person or persons shall erect or form, or shall endeavor to erect or form any new and independent government within the boundaries of this commonwealth as described in the charter and settled between this state and the state of Virginia, such person or persons being thereof legally convicted in any court of oyer and terminer shall be adjudged guilty of high treason.

[Section II.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall set up any notice, written or printed, calling or requesting the people to meet together for the design or purpose of forming a new and independent government as aforesaid, such person or persons and all others who shall assemble themselves for that purpose in consequence of such notice shall be adjudged guilty of high treason.

[Section III.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons at any meeting of the people convened for the purpose aforesaid or for any other purpose shall maliciously and advisedly recommend or desire them to erect or form any new government, in any part of this state, independent of the present, or shall read to them any new form of a constitution with design to induce them to adopt the same as a new and independent constitution, every such person or persons being thereof legally convicted shall be adjudged guilty of high treason.

[Section IV.] (Section VIII, P. L.) Provided always, and be it further enacted by the authority aforesaid, That nothing contained in this act shall extend or be construed to extend to the dispute now subsisting between the State of Pennsylvania and the state of Connecticut respecting their limits, boundaries or jurisdiction.

[Section V.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall commit any offence against this act, every such offender shall be tried in any county within this commonwealth if the supreme executive council shall think proper to order and direct said trial to be had in any other county than that in which the offence may have been committed.

[Section VI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That any person or persons who shall offend against this act and shall be thereof legally convicted by the evidence of two sufficient witnesses in any court of oyer and terminer within this commonwealth, he or they shall be adjudged guilty of high treason and shall suffer death, and his or their estate is hereby declared to be forfeited to this commonwealth.

(Section XI, P. L.) And in order the more effectually to prevent the mischiefs which this act is intended to guard against and remedy.

[Section VII.] Be it enacted by the authority aforesaid, That the supreme executive council shall be and they are hereby enabled to call out the militia of such counties as they may think necessary, to prevent or suppress any attempts to set up a new and independent government in any county or counties within the boundaries of this commonwealth as above mentioned.

Passed December 3, 1782. Recorded L. B. No. 2, p. 33, etc. Repealed by the Act of Assembly passed March 31, 1860, Chapter 376, P. L. of 1860, p. 452. Section V was repealed by the act of August 31, 1785, Chapter 1168.

CHAPTER MI.

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AN ACT FOR VESTING SEVERAL HOUSES AND LOTS OF LAND IN THE CITY OF PHILADELPHIA, THE RESIDUARY REAL ESTATE OF JOHN NICHOLAS, DECEASED, IN TRUSTEES TO SELL THE SAME, AND TO MAKE DISTRIBUTION OF THE MONEY ARISING BY THESE SALES AMONG THE RESIDUARY DEVISEES IN THE SAID JOHN NICHOLAS, HIS LAST WILL AND TESTAMENT NAMED AND THEIR LEGAL REPRESENTATIVES, IN PROPORTION TO THE QUANTITY OF INTEREST EACH OF THEM HAS IN THE LANDS AND TENEMENTS TO BE SOLD, AND FOR ASCERTAINING AND SECURING TO EACH MINOR HIS OR HER SHARE OF THAT MONEY.

(Section I, P. L.) Whereas John Nicholas late of the city of Philadelphia, house-carpenter, deceased, by his last will and testament dated the seventh day of May, one thousand seven hundred and fifty-five, did devise all the residue of his mesuages, lands and tenements whatsoever with the appurtenances unto his wife Jane during life, and the remainder in third parts, to his nearest relations, to wit, one third part thereof to his sister Martha Roberts, during life, remainder to her daughter Sarah Lloyd during life and the remainder in fee to the said Sarah Lloyd's three children, Samuel Lloyd, Robert Lloyd and Martha Lloyd, in equal parts one [other] third part thereof to his sister Mary Evans during life, and the remainder in fee to the said Mary Evans' daughter Margaret Evans, and to Jane Roberts the daughter of Aubrey Roberts in equal parts and the other third part thereof to Samuel Nicholas, Mary Nicholas and Sarah Nicholas, children of his deceased brother Anthony Nicholas, their heirs and assigns forever as tenants in common and not jointly:

(Section II, P. L.) And whereas the several estates for life by the said testator given to his wife, to his sister Martha Roberts, to her daughter Sarah Lloyd, and to his sister Mary Evans are by the death of the tenants thereof all spent and defeated and the said Samuel Lloyd has died without issue, the said Robert Lloyd has died leaving four minor children named Thomas,

Samuel, Rees and Robert Lloyd and the said Martha Lloyd being married to Samuel Hudson is also departed this life and has left five minor children Robert, Sarah, Mary, William and Harry Hudson, the said Margaret Evans' only daughter and issue, Mary the wife of Marmaduke Cooper is living, the said Jane Roberts being married to Benjamin Morgan died and left one son named Benjamin now a minor, the said Mary Nicholas being married to Jonathan Cowpland also departed this life leaving five children, three whereof Caleb, Mary and Ann Cowpland are minors and Grace Cowpland and Sarah Parkinson are of full age:

(Section III, P. L.) And whereas the said Samuel Hudson, Marmaduke Cooper and Mary his wife, Benjamin Morgan, Samuel Nicholas, Jonathan Cowpland and Sarah Shute late Sarah Nicholas by their petition to this general assembly have represented and shown that of so small an estate as the said testator's, being three houses and lots in Philadelphia a just and rational partition cannot be made without spoiling the whole, that the stocks of families now interested in such partition are seven in number some of them so wide already branched out that a single share would take a fifty-fourth part of the whole only, and that succeeding generations must of course reduce such shares into an infinite number of parts, and have humbly prayed to rest the residuary real estate of the said John Nicholas in trustees to sell the same and distribute the produce of such sales among the devises of the said John Nicholas and their representatives in such proportions as the said real estate itself if it would admit of a division by the laws of this state ought to be divided.

(Section IV, P. L.) Therefore and in order to relieve the petitioners and the several minors and other persons on whose behalf they have applied,

[Section I.] Be it enacted and [it] is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act all the residuary real estate of the said testator John Nicholas, situate in the said city of Philadelphia, (to wit one house and lot of land

on the north side of High street and south side of Church alley, bounded eastward by a house and lot of the heirs of Sarah Lloyd, deceased, and westward by a house and lot of Joseph Crukshank; one other house and lot on the north side of the said Church alley, bounded eastward by a house and lot late of Jonathan Mifflin, deceased, northward by land belonging to Casper Wistar's heirs, and westward by a house and lot of the heirs of Elizabeth Paschall; and one other house and lot of land on the south side of Mulberry street above Second street, bounded eastward by a house and lot of John Reynell, southward by ground belonging to the heirs of Samuel Mickle, and westward by a house and lot late of Edward Warner, deceased), with all the rights members and appurtenances thereunto respectively belonging and the reversions and remainders thereof shall be and are hereby vested in the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan, their heirs, and assigns forever in trust that they the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan and the survivors and survivor of them, shall as soon as conveniently can be, give at least one month's notice of the sale of the said premises in one or more of the public newspapers printed in Philadelphia, and shall on the day or days and place or places in such notice mentioned, by public vendue or outcry either at one and the same time, or at different times and successively sell the said three houses and lots of land to the highest and best bidder offering to purchase the same; and upon receipt of the full price or consideration offered or bid at vendue for any one of the said three houses and lots of land by deed under the hands and seals of the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan or of the survivors or survivor of them grant and convey the premises and every part thereof with the appurtenances to the respective purchasers thereof their heirs and assigns forever, in such manner and form as such purchaser or purchasers or his or their counsel learned in the law shall reasonably advise or require.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan shall make or cause to be

made diligent and careful inquiry whether all or any of the said three houses and lots of land or any undivided part or share thereof have been charged or encumbered by the said testator John Nicholas or by any of the devisees of the remainders in fee with any former bargain and sale, mortgage, judgment, recognizance, lease, rent, annuity, jointure, will, debts or other encumbrances whatsoever, and if they shall discover any such encumbrances to have been truly and bona fide made or suffered by the said testator John Nicholas or by any of the devisees of the remainder in fee upon his or her own part and not by deed or operation of the law discharged, then the said trustees shall charge the whole produce of the sale of the residuary estate of the [said] testator with such sum of money as will clear his estate from all encumbrances made or suffered by himself in his lifetime and then afterwards apportion the shares or dividends of all and every the persons interested in the overplus of the said produce of sales, chaging the share of such residuary devisee or his representative issue with such sum of money as will clear the estate from all encumbrances made or suffered as aforesaid by such residuary devisee or devisees.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That after completing the sales of the said residuary estate they the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan or the survivors or survivor of them shall make a report of their proceedings under their hands and seals to the orphans' court of the city and county of Philadelphia, setting forth the premises by them sold, to whom and at what price they were sold, what encumbrances they have discovered to be on the premises, and which thereof they have discharged and by whom these encumbrances were made or suffered, also a calculation of the shares which each of the residuary devisees of the said John Nicholas under his will and the representatives or children of such devisees are entitled to under the wills of their ancestors or the laws for settling intestates' estates and a calculation how much each person entitled to a share in the lands and tenements of the testator should receive of the money raised by the sale thereof; and also how and in what manner the said trustees

have secured the shares of the minor children concerned in the said division, and the justices of the said orphans' court are hereby empowered and directed to receive such report and upon their own view thereof or upon the opinion of auditors by them to be appointed to approve or amend the same and the report of the said trustees when so examined and confirmed by the orphans' court as aforesaid shall have the same effect in law as returns of an inquest of partition of lands made by the sheriff and a jury of his county confirmed by the court, and shall conclude all parties concerned in the division of the moneys produced by the sales of the said John Nicholas' residuary real estate, saving nevertheless to all persons, bodies politic and corporate their heirs and successors, executors and administrators others than such as are parties to the division of the said John Nicholas' estate) all such right, title and interest as they or any of them have or may have to the lands, tenements and premises hereby directed to be sold or any part thereof this act or anything therein contained to the contrary thereof notwithstanding.

Passed December 3, 1782. Recorded L. B. No. 2, p. 35, etc. See the Act of Assembly passed January 24, 1784, Chapter 1064.

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## CHAPTER MII.

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AN ACT TO PROVIDE FOR THE PAYMENT OF THE DISCHARGED SICK AND WOUNDED SOLDIERS BELONGING TO THIS STATE AGREEABLE TO THE RECOMMENDATION OF CONGRESS OF THE TWENTY-THIRD DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-TWO.

(Section I, P. L.) Whereas the honorable Congress of the United States of America by their act of the twenty-third day of April, one thousand seven hundred and eighty-two, did resolve, That all such sick and wounded soldiers of the armies of the United States who shall in future be reported by the inspector-general, or the inspector of a separate department and approved by the commander-in-chief, or commanding officer of a

separate department as unfit for further duty either in the field or in garrison, and who apply for a discharge in preference to being placed or continued in the corps of invalids, shall be discharged, and be entitled to receive as a pension five dollars per month in lieu of all pay and emoluments; and that it be and it hereby is recommended to the several states to discharge such pension annually, and draw on the superintendent of finance for payment of the money they shall so advance:

(Section II, P. L.) And whereas it is the duty of this state to comply with said resolution and recommendation so far as it has respect to such discharged soldiers of this state in the armies of the United States:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That all such discharged soldiers of this state who, after the twenty-third day of April last have been or shall be discharged from the service of the United States as aforesaid, may apply to the orphans' court of the county where such discharged soldier shall reside; whereupon if the said court shall be fully satisfied such person so applying was discharged in the time and manner aforesaid, said court shall once in every three months make an order on the county treasurer for the time being, during the natural life of such discharged soldier for the sum of fifteen dollars; and the said treasurer shall discharge and pay said orders out of such money in his hands which shall or may be appropriated to the use of the United States, which moneys so paid, shall be deducted out of the quota of this state appropriated to the use of the United States, and such treasurer shall be allowed the same in passing his accounts.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the clerk of the orphans' court aforesaid shall make entries of the names and places of abodes of all such discharged soldiers in whose favor such order shall be made and shall transmit a copy thereof to the secretary of the supreme executive council of this state.

## CHAPTER MII.

AN ACT TO INDEMNIFY AND SAVE HARMLESS THE PERSONS APPOINTED TO SUPERINTEND THE MAKING AND PERFECTING THE BILLS OF CREDIT, DATED THE TWENTIETH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-ONE, FROM THE PENALTIES THEY MAY HAVE INCURRED BY NOT PERFECTING AND FINISHING THE WHOLE OF THE SAID BILLS, AND TO MAKE THE SAID BILLS OF CREDIT OF APRIL, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-ONE, A LEGAL TENDER FOR THE TAXES OF NINETY-THREE THOUSAND SIX HUNDRED AND FORTY POUNDS AND TEN SHILLINGS PER ANNUM LAID BY AN ACT OF ASSEMBLY OF THE NINETEENTH DAY OF DECEMBER, ONE THOUSAND SEVEN HUNDRED AND EIGHTY, ENTITLED "A SUPPLEMENT TO AN ACT, ENTITLED 'AN ACT FOR FUNDING AND REDEEMING THE BILLS OF CREDIT OF THE UNITED STATES OF AMERICA, AND FOR PROVIDING MEANS TO BRING THE PRESENT WAR TO A HAPPY CONCLUSION.'"<sup>1</sup>

(Section I, P. L.) Whereas in and by an act of general assembly of this commonwealth passed the seventh day of April which was in the year of our Lord one thousand seven hundred and eighty-one, entitled "An act for emitting the sum of five hundred thousand pounds in bills of credit for the present support of the army and for establishing a fund for the support of the same,"<sup>2</sup> George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes and William Harris, esquires, or a majority of them, were appointed to superintend the preparing, printing, numbering, signing and perfecting the bills of credit of divers denominations, amounting in the whole to the sum of five hundred thousand pounds, as by the said recited act, relation thereunto being had, may more fully appear:

(Section II, P. L.) And whereas for divers good causes known to them and approved of by this house, the said George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes and William Harris did not think it proper to prepare, print and

<sup>1</sup> Passed December 19, 1780, Chapter 919.

<sup>2</sup> Passed April 7, 1781, Chapter 939.

perfect all the bills of credit which by the said act they were directed and enjoined to do:

(Section III, P. L.) And whereas the bills of credit so directed to be made and perfected, but which have not been so prepared, made and perfected, were the following denominations, that is to say,

Twenty thousand bills of the sum of five shillings each,

Twenty thousand bills of the sum of two shillings and six-pence each,

Twenty thousand bills of the sum of two shillings each,

Twenty thousand bills of the sum of one shilling each.

Forty thousand bills of the sum of nine pence each.

Forty thousand bills of the sum of six pence each.

Forty thousand bills of the sum of three pence each.

Amounting to the value of thirteen thousand five hundred pounds:

[Section I.] (Section IV, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That the said George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes and William Harris shall be and they are hereby discharged from all further care, attention and charge of the said bills of credit of the twentieth day of April one thousand seven hundred and eighty-one, and that the residue of the said bills which have not been made and perfected in pursuance of the said act shall not be proceeded on or finished; and that the said George Gray, John Steinmetz, Henry Hill, Samuel Penrose, Henry Hayes and William Harris, shall be, and hereby are indemnified and saved harmless from any suit or prosecution to which they or any of them may be liable for omitting to prepare, print and perfect any of the said bills in pursuance of the said act; and they and every of them may plead this act in bar of any such suit or prosecution.

(Section V, P. L.) And whereas doubts may arise whether the taxes directed to be raised, levied and collected, by an act of Assembly, passed the nineteenth day of December which was in the year of our Lord one thousand seven hundred and eighty entitled "A supplement to an act for funding and redeeming the

bills of credit of the United States of America and for providing means to bring the present war to an happy conclusion,<sup>3</sup> may be discharged and paid in the said bills of credit dated the twentieth day of April, one thousand seven hundred and eighty-one, and it may be proper to declare how the tax of ninety-three thousand six hundred and forty pounds and ten shillings by the act last mentioned directed to be laid, levied and collected during the present year should be assessed, levied, collected and paid:

[Section II.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That the bills of credit of the twentieth day of April one thousand seven hundred and eighty-one shall be a legal tender for the taxes laid and to be laid in pursuance of the act aforesaid; and that the assessing, levying, collecting and managing of the said tax, directed by the same act, for the year one thousand seven hundred and eighty-two, shall be conducted and ordered according to the directions of an act of assembly passed on the twenty-seventh day or of March last, entitled "An act to raise effective supplies for the year one thousand seven hundred and eighty-two;"<sup>4</sup> and that all the authorities, powers, penalties and provisions of the last recited act shall be extended to the levying and collecting said tax of ninety-three thousand six hundred and forty pounds and ten shillings in like proportions on every taxable person within this state as may have been or shall be apportioned and rated in the books of assessment for the supplies of the year one thousand seven hundred and eighty-two and not otherwise.

[Section III.] (Section VII, P. L.) Provided always, That if upon appeal to the commissioners of the county it shall appear that any real estate shall have been transferred in the interim by the person or persons charged for the same in the assessment of the supplies for the year one thousand seven hundred and eighty-two, the said commissioners shall thereupon transfer the tax on such estate to the purchaser or new feoffee thereof and levy the same accordingly.

Passed January 31, 1783. Recorded L. B. No. 2, p. 39, etc.

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<sup>3</sup> Passed December 19, 1780, Chapter 919.

<sup>4</sup> Passed May 27, 1782, Chapter 961.

## CHAPTER MIV.

AN ACT FOR THE ATTAINDER OF HARRY GORDON UNLESS HE SUR-  
RENDER HIMSELF AND FOR OTHER PURPOSES THEREIN MEN-  
TIONED.

(Section I, P. L.) Whereas Harry Gordon now or late a military officer in the British service, now or late of the county of Chester within this state on the twentieth day of March, in the year of our Lord one thousand seven hundred and eighty-one was seized in his demesne as of fee of and in two tracts of land in Bedford county and also of other real and personal property in this state:

(Section II, P. L.) And whereas it was alleged that the said Harry Gordon did then adhere to and knowingly and willingly aid and assist the enemies of this state and the United States by having joined their armies:

(Section III, P. L.) And whereas his excellency the president and the honorable the supreme executive council of this commonwealth by their proclamation under the hand of the said president and the seal of the state bearing date the day and year aforesaid did name and require Henry Gordon among others to render himself to some or one of the justices of the supreme court or of the justices of the peace of one of the counties within this state on or before the first day of November then next ensuing and also to abide his legal trial for high treason on pain of being attainted of high treason to all intents and purposes and of forfeiting as persons so attainted ought to do, thereby designing and intending to name and require the aforesaid Harry Gordon so seized of real estate and having joined the enemy as aforesaid to render himself as aforesaid:

(Section IV, P. L.) And whereas the said Harry Gordon did not surrender himself on or before the said day in the said proclamation mentioned and thereupon his estate or some part

thereof hath been seized and sold by the agents for forfeited estates as by law directed in case of persons legally attainted:

(Section V, P. L.) And whereas doubts have arisen by reason of the misnomer of the said Harry Gordon whether the said Harry Gordon be legally attainted, and whether the sales be good and valid in law:

(Section VI, P. L.) And whereas application hath been made that an act of general assembly might be passed to cure the said defect of misnomer and to render the said attainder and sales valid:

[Section I.] (Section VII, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if the said Harry Gordon shall not render himself to some or one of the justices of the supreme court or of the justices of the peace in one of the counties of this state on or before the twenty-fourth day of July next ensuing, and also abide his legal trial for high treason, then the said Harry Gordon not rendering himself as aforesaid or not abiding his legal trial shall from and after the said twenty-fourth day of July stand and be attainted of high treason to all intents and purposes and shall suffer and forfeit and his estate be disposed of in the same manner as if he had been legally and rightly named and required by the proclamation aforesaid to surrender himself as aforesaid and had neglected or refused to so do:

[Section II.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if the said Harry Gordon shall neglect or refuse to surrender himself as by this act required or to abide his legal trial as aforesaid, then all the seizures, sales and dispositions made of the estate of the said Harry Gordon by the agents for forfeited estates shall be and they are hereby confirmed and made of the same force and validity as they would have been if the said Harry Gordon had been legally and rightly named and required by the said proclamation to surrender himself and had neglected or refused so to do:

(Section IX, P. L.) And whereas sundry proclamations have been issued by the president and the supreme executive council

naming and requiring sundry persons to surrender themselves on or before a certain day therein mentioned on pain of being attainted of high treason and of forfeiting as persons so attainted ought to do:

(Section X, P. L.) And whereas misnomers and mistakes in name, addition or description may have happened, and the persons who were meant and intended to be named and required may not be in all respects truly and properly named and described in the said proclamations, by reason whereof fair and honest purchasers may hereafter be endangered and the commonwealth become liable to make restitution:

For the effectual prevention of which and to extinguish all claims and demands arising from such mistakes and errors:

[Section III.] (Section XI, P. L.) Be it enacted by the authority aforesaid, That no heir, devisee or assignee or any person claiming any right, title, interest or property in the estate real or personal of any person who was meant and intended to be named and described in the said proclamations, and who hath not yet surrendered himself, shall avail him or herself of any such misnomer or mistake or of any pretence or allegation of defect of authority whatsoever to recover any of the estates seized or sold as forfeited or any part thereof, and that no debtor by reason or pretext aforesaid shall withhold or secrete any debts or property belonging or due to such persons so meant and intended to be named and required to surrender themselves; but wherever it shall plainly and clearly appear to the court of jury and the same be certified by the verdict of the jury in case of objections on the trial that the persons, whose estates have been seized or whose debts or property are withheld or secreted were clearly meant and intended to be named and described in the said proclamations and that they have not surrendered themselves according to the requisition of the said proclamations, then all such estates, debts and property shall be adjudged to be vested in the commonwealth, or in the assignees of the commonwealth as fully and effectually as if the said persons had been in every respect legally attainted, any error or mistake of name, description of place, want of jur-

isdiction or authority or other like defect in anywise notwithstanding.

[Section IV.] (Section XII, P. L.) Provided, That nothing in this act shall be deemed, taken or construed to deprive any person so named and required or meant or intended to be named and required to surrender himself, and who hath not surrendered himself, from appearing in person and taking advantage of any such misnomer, mistake or defect of authority, and that nothing herein contained shall deprive such person so appearing from any advantage or benefit which he would have had if this act had not been made.

Passed January 31, 1783. Recorded L. B. No. 2, p. 43, etc.

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## CHAPTER MV.

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### A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE SUPPORT OF GOVERNMENT AND ADMINISTRATION OF JUSTICE."<sup>1</sup>

(Section I, P. L.) Whereas doubts have arisen respecting the meaning of the second section of the act, entitled "An act for the support of government and administration of justice,"<sup>1</sup> so far as the same relates to the secretary of the supreme executive council:

For remedy whereof:

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act the salary of the secretary of the supreme executive council shall be the sum of five hundred pounds per annum, including the expense of clerks, and as a full recompence for all the duties which the said secretary by law or custom is obliged to perform.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the secretary of the supreme ex-

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<sup>1</sup> Passed December 17, 1781, Chapter 957.

cutive council shall continue to receive the usual fees and perquisites of his office and shall make entry thereof in a book to be kept by him for that purpose, and pay the same quarterly unto the treasurer of this state on oath or affirmation under the penalty of one thousand pounds for each and every such neglect or refusal, to be recovered in any court of record by an action of debt at the suit of the commonwealth for the use and support of government.

Passed February 25, 1783. Recorded L. B. No. 2, p. 44, etc. Repealed by the Act of Assembly passed September 17, 1785, Chapter 1185.

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## CHAPTER MVI.

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AN ACT TO ESTABLISH AND CONFIRM THE ESTATE OF JOHN MORRIS, OF THE TOWNSHIP OF EASTOWN, IN THE COUNTY OF CHESTER, IN FIFTY ACRES OF LAND IN WEST WHITELAND TOWNSHIP, IN THE SAID COUNTY.

(Section I, P. L.) Whereas John Morris of the township of Eastown, in the county of Chester, by his petition hath represented to the general assembly of this commonwealth that he is seized and possessed of one hundred and fifty acres of land, situate, lying and being in West Whiteland township, in the said county, bounded on the north by land late of John Jacobs, esquire, on the east by land of John Cuthbert, on the south by land of Richard Thomas, and on the west by lands of Morris Zootzs, containing one hundred and fifty acres which same tract of land was once the property of David Howell, deceased, and seized and taken in execution by Jesse Maris, esquire, then high sheriff of the said county, for and on account of debts due and owing by the same David Howell, which same tract of land was in due form of law condemned for the discharge and payment of the executions and encumbrances thereon; and that the said high sheriff, by virtue of a venditoni exponas to him having and claiming any estate of property or inheritance in

rected sold the same tract of land, after due notice of such sale being first made unto the said John Morris as the highest bidder thereat, and that the said Jesse Maris, esquire, by deed-poll bearing date the twenty-sixth day of August in the year of our Lord one thousand seven hundred and seventy-one, and duly acknowledged, did convey the same tract of one hundred and fifty acres of land unto the said John Morris in fee and that a deed from John Cuthbert for part of the said tract of land, conveying the same tract unto the said David Howell in fee was lost by a fire in the house of the same John Cuthbert, or has shared the fate of certain papers belonging to a certain Samuel Phipps, which were supposed to be stolen from him; which same tract, part of the one hundred and fifty acres above described, is bounded as follows: beginning at a marked white oak by the east of Uchland road; thence south, seventy-three degrees west, forty-eight perches to a post; thence north northwest, by land formerly of David Howell, one hundred and forty-one perches to a post; thence east, by John Cuthbert's land, eighty-two perches to a post; thence by the said road south twelve degrees east, forty-eight perches to a post; thence south forty-eight perches to a post; thence south, twelve degrees east, twenty perches to the place of beginning; containing fifty acres. And the said John Morris hath by his petition further represented that other writings necessary to complete his title to the said fifty acres were also destroyed as aforesaid; he therefore prayed the general assembly of this commonwealth to give their aid for the securing and establishing the same tract of fifty acres of land unto the same John Morris in fee.

(Section II, P. L.) And whereas the same John Morris hath complied with the directions of the general assembly by giving public notice of his said application in the newspapers of the city of Philadelphia.

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said tract of fifty acres of land, in the township of West Whiteland, in the said county, bounded and described as aforesaid, with the heredita-

ments and appurtenances thereunto belonging, are and shall be vested in the said John Morris and his heirs and assigns forever; and that the said John Morris and his heirs do now stand seized, and after the publication of this act shall stand seized of the said fifty acres of land with the hereditaments and appurtenances aforesaid thereunto belonging, to and for the only use, benefit and behoof of the same John Morris, and his heirs, and assigns forever; subject to such quit rents and other rents, estates and encumbrances, as are or may be legally charged on the same or any part or parcel thereof; and that all persons having and claiming any estate of property or inheritance in the same premises or in any part or parcel thereof shall, within the space of one year from the publication of this act, make their claim by bringing an ejectment against the said John Morris, his heirs or assigns, or the tenants or occupiers of the said fifty acres, from all future claims otherwise they shall be excluded and forever debarred, except feme coverts, persons under age, imprisoned, or beyond sea, who shall make their claims within one year after their said incapacities shall be removed, or otherwise they shall be debarred as aforesaid.

Passed February 25, 1783. Recorded L. B. No. 2, p. 45, etc.

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## CHAPTER MVII.

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AN ACT FOR THE SALE OF CERTAIN LANDS THEREIN MENTIONED FOR THE PURPOSE OF REDEEMING AND PAYING OFF THE CERTIFICATES OF DEPRECIATION GIVEN TO THE OFFICERS AND SOLDIERS OF THE PENNSYLVANIA LINE, OR THEIR REPRESENTATIVES, AND FOR APPROPRIATING CERTAIN OTHER LANDS THEREIN MENTIONED FOR THE USE OF THE SAID OFFICERS AND SOLDIERS TO BE DIVIDED OFF TO THEM SEVERALLY AT THE END OF THE WAR.

(Section I, P. L.) Whereas it was enacted by a law of this commonwealth passed the eighteenth day of December in the year of our Lord one thousand seven hundred and eighty, entitled "An act to settle and adjust the accounts of the troops

of this state in the service of the United States, and for other purposes therein mentioned,"<sup>1</sup> That the certificates of depreciation given to the officers and soldiers of the Pennsylvania line should be receivable at the land-office of this state, equal to gold and silver, in the payment of the purchase money of unlocated lands if the possessor or possessors of the same should think proper to purchase such lands:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That for the more speedy and effectual complying with the intentions of the law aforesaid there be and hereby is located and laid off a certain tract of land as follows; beginning where the western boundary of this state crosses the Ohio river, thence up the said river to Fort Pitt; thence up the Allegheny river to the mouth of Mogulbughton creek, thence by a west line to the western boundary of this state; thence south by the said boundary to the place of beginning, reserving to the use of the state three thousand acres in an oblong of not less than one mile in depth from the Allegheny and Ohio rivers, and extending up and down the said rivers from opposite Fort Pitt so far as may be necessary to include the same, and the further quantity of three thousand acres, on the Ohio, and on both sides of the mouth of Beaver creek, including Fort Mackintosh; all which remaining tract of land, as aforesaid, is hereby appropriated as a farther fund for the purpose of redeeming the certificates aforesaid, and shall for that purpose be laid out and disposed as follows; that is to say the survey-general of this state shall, according to such directions as may be given him by the supreme executive council, cause the aforesaid tract of land to be laid out in lots of not less than two hundred acres, nor more than three hundred and fifty acres each, numbering the same lots numerically on the draught or plot of the country aforesaid, and shall as soon as the same or one hundred lots thereof are surveyed, together with the secretary of the land-office and the

<sup>1</sup> Passed December 18, 1780, Chapter 920.

receiver-general, proceed to sell the same lots in numerical order at such times and places and under such regulations as shall be appointed by the supreme executive council; the full consideration bid at such sales shall be paid into the receiver-general's office, either in gold or silver, or in the certificates aforesaid; upon full payment of which consideration, the expense of surveying, together with all fees of the different offices, patents shall be issued in the usual form to the several buyers or vendees; and the different sums in specie that may be paid into the receiver-general's office shall be paid over by him to the treasury of this state for the purpose of redeeming such certificates as may remain unsatisfied at the end of such sales.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the allowance or pay for laying out and returning into the surveyor-general's office the lands herein directed to be laid out and sold, including wages to chain-bearers, and markers, and all other expenses incurred in laying out and returning the same, for each lot shall be the sum of three pounds ten shillings which shall be paid in specie by the owners or purchasers of said lot or lots, before a patent shall be issued for the same.

(Section IV, P. L.) And whereas the general assembly of this commonwealth did by their resolve of the seventh day of March in the year of our Lord one thousand seven hundred and eighty promise to the officers and privates belonging to this state in the federal army, certain donations and quantities of land according to their several ranks as therein let forth to be surveyed and divided off to them severally at the end of the war:

[Section III.] (Section V, P. L.) Be it enacted by the authority aforesaid, That for the purpose of effectually complying with the letter and intention of said resolve, there be, and it is hereby declared to be located and laid off, a certain tract of country, beginning at the mouth of Mogulbughtiton creek; thence up the Allegheny river to the mouth of Cagnawaga creek; thence due north to the northern boundary of this state; thence west by the said boundary to the northwest corner of the state; thence south by the western boundary of the state to the northwest corner of lands appropriated by this act for discharging

the certificates herein mentioned; and thence by the same lands east, to the place of beginning; which said tract of country shall be reserved and set apart for the only and sole use of fulfilling and carrying into execution the said resolve.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That no improvement, location, warrant, grant, right, title or claim whatsoever made or procured by, from or under any Indian nation or nations of Indians, the late proprietaries, or any other person or persons whatsoever, for or upon the lands contained within the limits of the two above described tracts of country or any part thereof shall be valid or any effect in law or equity but the same shall be void to all intents and purposes whatsoever.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all officers and private men entitled to land as aforesaid shall and they are hereby directed to make their respective applications for the same within two years after peace shall be declared, and should any of the said officers, non-commissioned officers or private men, die before their respective applications shall be made as before directed, then their heirs, executors or administrators respectively are hereby permitted to make such applications within one year after the expiration of the aforesaid time; and in case the said officers, non-commissioned officers, and private men, their heirs, executors or administrators, shall neglect so to do within the times limited as aforesaid, then and in such cases it shall and may be lawful for any person or persons whatsoever to apply to the land office, locate and take up such parts or parcels of said lands, upon such terms as the legislature shall hereafter direct, as may remain unlocated by the said officers, non-commissioned officers and private men, their heirs, executors and administrators.

[Section VI.] (Section VIII, P. L.) Provided always and be it further enacted by the authority aforesaid, That it shall not be in the power of the non-commissioned officers, and private men, or any of them, to grant, bargain or sell his or their share of the land hereby appropriated for their use, or any part thereof until the same shall be actually surveyed and laid off

as aforesaid, and that every such sale or conveyance shall be absolutely null and void to all intents and purposes.

Passed March 12, 1783. Recorded L. L. No. 2, p. 46, etc. See the Acts of Assembly passed September 11, 1787, Chapter 1306; September 30, 1791, Chapter 1592.

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## CHAPTER MVIII.

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**AN ACT FOR EXTENDING THE PROVISION MADE IN THE SEVENTH SECTION OF THE ACT, ENTITLED "AN ACT FOR THE REPEAL OF SO MUCH OF THE LAWS OF THIS COMMONWEALTH AS MAKE THE CONTINENTAL BILLS OF CREDIT AND THE BILLS EMITTED BY THE RESOLVES OR ACTS OF ASSEMBLIES OF THE SAID COMMONWEALTH A LEGAL TENDER, AND FOR OTHER PURPOSES THEREIN MENTIONED."<sup>1</sup>**

(Section I, P. L.) Whereas the provision made by the act entitled "An act for the repeal of so much of the laws of this commonwealth as make the continental bills of credit and the bills emitted by the resolves or acts of assemblies of the said commonwealth a legal tender," in behalf of those persons who, from principles of honor and honesty declined paying their debts with a depreciated paper currency when they had it in their power by law so to have done, will cease on the twenty-first day of June next:

(Section II, P. L.) And whereas it was deemed reasonable, at the time of passing the aforesaid act, that such honest debtors should not be compelled to pay their old debts till gold and silver money should become more plenty and easier to be procured; And whereas from divers causes, it hath actually become more scarce and difficult to be procured than at the time of passing the aforesaid act, and in consequence thereof great numbers of honest debtors as aforesaid will be ruined unless some further relief be provided for them:

[Section I.] (Section III, P. L.) Be it therefore enacted and it

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<sup>1</sup> Passed June 21, 1781, Chapter 945.

is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That no execution shall issue for the principal sum due by any contract or species of contract whatever entered into before the first day of January one thousand seven hundred and seventy-seven, debts due to the state only excepted until one year from and after the twenty-first day of June next ensuing, and from thence until the end of the next sitting of assembly anything in the said act to the contrary notwithstanding.

(Section IV, P. L.) And whereas divers debtors who had contracted debts which by reason of losses and misfortunes in trade they were unable at the time to pay, have before the [said] first day of January, one thousand seven hundred and seventy-seven, assigned and made over their real estates, or such parts thereof as their creditors were willing to accept, to trustees in trust that the same should be sold within a reasonable time to pay and satisfy such debts, which said trusts have not been executed: And whereas the scarcity of gold and silver hath caused the value of lands and tenements in most parts of this state to fall vastly below the real value of the same, and if compulsory sales were to be made of such lands and tenements it is probable they would fall short of paying the debts which they were at first supposed a sufficient security for, to the injury and oppression of both creditor and debtor:

[Section II.] (Section V, P. L.) Be it therefore enacted by the authority aforesaid, That no sales shall be made by any such trustees of any lands [or tenements] which were so as aforesaid assigned and made over to them, before the said twenty-first day of June, one thousand seven hundred and eighty-four, and from thence until the end of the next sitting of assembly without the consent in writing of the debtor or assignor, or his legal representatives, first had and obtained.

[Section III.] Section VI, P. L.) And be it further enacted by the authority aforesaid, That no act or statute of limitation of actions shall run or be deemed or taken to have run at any time between the first day of January, one thousand seven hundred and seventy-six and the end of one year from and after the

twenty-first day of June next, upon all debts and contracts made or entered into before the first day of January, one thousand seven hundred and seventy-six.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That whenever it shall appear that any debt or duty was contracted or incurred on or before the first day of January, one thousand seven hundred and seventy-seven, and any bond, obligation or other security hath been entered into for the payment thereof since the said first day of January, the plaintiff who hath brought or shall bring any suit or suits on any such bond or obligation executed in the manner aforesaid, may proceed to judgment in such action, and may issue his execution for the interest, damages and costs as aforesaid, but no execution shall issue for the principal debt or sum until one year from and after the twenty-first day of June next, as aforesaid.

[Section V.] (Section VIII, P. L.) And be it also further enacted by the authority aforesaid, That so much of the aforesaid act as is contrary to this act shall be and the same is hereby repealed and made void.

Passed March 12, 1783. Recorded L. B. No. 2, p. 49, etc.

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## CHAPTER MIX.

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### AN ACT TO DISCONTINUE PART OF A ROAD IN NEW BRITAIN TOWNSHIP IN THE COUNTY OF BUCKS.

(Section I, P. L.) Whereas it has been represented to this house by the petition of Henry Dorrach, of New Britain township, in the county of Bucks, yeoman, that some years ago a public road was laid out through the lands then owned by David Rees and since by said Henry Dorrach, from a road called Butler's road to Bristol road, the first course and distance of which road from said Butler's road being north easterly forty-two perches:

(Section II, P. L.) And whereas another road was laid out a short time afterwards through the lands then owned by said David Rees and since by said Henry Dorrach from the extent of said forty-two perches in the first mentioned road to a certain road leading from North Wales towards Coryell's Ferry, crossing the said Butler's road at the distance of thirty-eight perches from the said place of beginning, and at the distance of twenty-five perches from the beginning of the first mentioned road, which said road when laid was looked upon and intended both by the jury and petitioners as well as the then owner of the land to render useless the said forty-two perches of the first mentioned road as it could be of no public use, but of considerable injury to the owner of the land to continue the same or keep it open:

(Section III, P. L.) And whereas multiplying of roads unnecessarily not only tends to increase the expense of the highways, but it is likewise a waste of land which might otherwise be employed for the raising of produce:

[Section I.] (Section IV, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act the above said forty-two perches of the first mentioned road or so much of the same as lies between Butler's road aforesaid, and where the last mentioned road falls into or meets with the first mentioned road be discontinued and abolished.

Passed March 12, 1783. Recorded L. B. No. 2, p. 51, etc.

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## CHAPTER MX.

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### AN ACT INCORPORATING THE PRESBYTERIAN CONGREGATION OF NEWTOWN, IN THE COUNTY OF BUCKS.

(Section I, P. L.) Whereas the Presbyterian congregation of Newtown, in the county of Bucks, have by their petition prayed that their said congregation may be incorporated, and by law

enabled as a body corporate and politic to receive and hold such charitable donations and bequests as may from time to time be made to their society and vested with such powers and privileges as are enjoyed by other religious societies who are incorporated in this state:

(Section II, P. L.) And whereas it is just and right and also agreeable to the true spirit of the constitution that the prayer of the said petition be granted:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, any by the authority of the same, That James McNair, Joseph Sacket, esquire, John Thompson, esquire, Joshua Anderson, esquire, the Reverend James Boyd and John Rurley and their successors duly elected and appointed in such manner as hereinafter is directed be and they are hereby made and constituted a corporation and body politic in law and in fact, to have continuance forever by the name, style and title of, "The Trustees of the Presbyterian Congregation of Newtown in the County of Bucks."

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors shall forever hereafter be persons able and capable in law, as well to take, receive and hold, all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments which at any time heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the aforesaid Presbyterian congregation of Newtown, now under the pastoral care of the Reverend James Boyd, or to any other person or persons to their use, or in trust for them; and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation and their successors forever according to their original use and intention: And the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, or other conveyances thereof is or are declared,

limited or expressed; as also that the said corporation and their successors at all times hereafter shall be able and capable to purchase, have, hold, receive and enjoy in fee simple or of any other lesser estate or estates, any lands, tenements, rents, annuities, liberties, franchises and other hereditaments, by the gift, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic or corporate, capable and able to make the same; and further that the said corporation may take and receive any sum or sums of money, or any portion of goods and chattels that shall be given to them, by any person or persons, bodies politic and corporate, capable of making such gift or bequest: such money, goods and chattels to be laid out and disposed of for the use and benefit of the aforesaid congregation, agreeable to the intention of the donors.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the rents, profits and interests of the said real and personal estate of the aforesaid corporation and congregation shall by the said trustees and their successors from time to time be applied and laid out by them for the maintenance and support of the gospel ministry in said congregation, for repairing and maintaining their house of public worship, lot of land, burial grounds and such other pious and charitable uses as shall be thought proper by a majority of the congregation at large called together on due notice, to give their free vote in such case.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That when and as often as it may become necessary to rebuild, enlarge or otherwise alter the house of public worship belonging to the aforesaid congregation and corporation, or to erect any new buildings, or to make any new purchases for the use of the said congregation then and in such case, it may be lawful for the aforesaid trustees and their successors to make sales or otherwise to dispose of such part or parcel of the said estate, real or personal, as a majority of the regular members of said congregation shall by their vote direct, the money arising from such sale or disposal to be laid out and applied agreeable to the vote of the aforesaid majority.

[Section V.] (Section VII, P. L.) And be it further enacted by

the authority aforesaid, That the said trustees and their successors shall not by deed or any otherwise grant, alien, convey or otherwise dispose of any part or parcel of the estate, real or personal in the said corporation vested or to be hereafter vested; or charge or encumber the same to any person or persons whatsoever, except in the manner and for the purpose herein before mentioned.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees or their successors or a majority of them may from time to time meet as often as they may think necessary for the benefit of the said corporation, either on their own adjournments or on public notice from the pulpit the preceding Sabbath immediately after Divine service and before the congregation is dismissed, or on regular notice in writing left at the house of each trustee, and that the said trustees being so met, be authorized and empowered and they are hereby authorized and empowered to elect and appoint from among themselves a president, and also to elect and appoint from among themselves or other members of said congregation a treasurer and secretary, and to remove, change or continue all or either of them at pleasure as shall seem to be most for the benefit of said congregation.

(Section IX, P. L.) Provided nevertheless, That the meeting or meetings of said corporation be not called without the concurrence of two or more trustees, or of three or more respectable members of said congregation with the president, or without the particular business and reasons of the meeting being specified with the notification.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said trustees, or a majority of them, met as is hereinbefore directed, shall be authorized and empowered and they are hereby authorized and empowered to make rules, by-laws and ordinances, and to do everything needful for the government and support of the secular affairs of said congregation.

(Section XI, P. L.) Provided that the said by-laws, rules and ordinances, or any of them be not repugnant to the laws of this commonwealth; and that all their laws and proceedings be fairly and regularly entered in a book kept for that purpose.

[Section VIII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors shall have full power and authority to make, have, and use one common seal, with such device and inscription as they shall think proper; and the same to break, alter and renew at their pleasure.

[Section IX.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name of "The Trustees of the Presbyterian Congregation of Newtown in the County of Bucks," shall be able and capable in law to sue and be sued, plead and be impleaded in any court court or before any judge or justice in all and all manner of suits, complaints, pleas, causes, matters and demands of whatever kind, nature or form they may be; and all and every matter and thing therein to do, in as full and effectual a manner as any person or persons, bodies politic or corporate within this commonwealth may or can do.

[Section X.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall always consist of six members called and known by the name of "The Trustees of the Presbyterian Congregation of Newtown in the County of Bucks," and the said members shall at all times hereafter be chosen by ballot by a majority of such members met together of the said congregation, as shall have been enrolled as stated worshippers with said congregation for at least the space of one year and shall have paid one year's pew rent or other sum of money not less than ten shillings for the use and benefit of the said congregation and corporation.

(Section XV, P. L.) Provided always, That the pastor or minister of the said congregation for the time being shall be entitled to vote equally with any member of said congregation, and also that all and every person or persons qualified to vote and elect as aforesaid shall and may be also capable of being voted and elected a trustee as aforesaid.

[Section XI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the said James McNair, Joseph Sackett, esquire, John Thompson, esquire, Joshua Anderson, esquire, James Boyd and John Burly, the first present trustees

hereby incorporated shall be and continue trustees until removed in manner following to wit: One third part in number of said trustees, being the third part herein first named, shall cease and discontinue and their appointment determine on the first Monday of October which shall be in the year of our Lord one thousand seven hundred and eighty-three; and the second third part herein mentioned shall cease discontinue and their appointment determine on the first Monday in October, which shall be in the year one thousand seven hundred and eighty-four, and in like manner the appointment of the last third part herein mentioned shall cease and determine on the first Monday which shall be in October in the year of our Lord one thousand seven hundred and eighty-five, on which days in each of the aforementioned years respectively new elections shall be held of other trustees instead and place of those whose appointments shall have ceased and terminated; which manner of discontinuance, determination and new appointment or election shall be continued on the first Monday in October in every year hereafter forever, so that no person shall be or continue a trustee longer than three years together without being re-elected; which may be done, whenever, and as often as the members of said congregation qualified to vote as afore described shall think fit.

(Section XVII, P. L.) Provided always, That whenever any vacancy shall happen by the death, refusal to serve, or other removal of any one or more of the said trustees, an election shall be held as soon as conveniently can be done, and some fit person or persons chosen and appointed as before directed to supply such vacancy; and that the remaining trustees have power to call a meeitng of the electors of the said congregation for that purpose.

[Section XII.] (Section XVIII, P. L.) Provided always and it is hereby enacted by the authority aforesaid, That the clear yearly value, interest or income of the lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation shall not exceed the sum of fixe hundred pounds gold or silver money at the current value thereof in the commonwealth of Pennsylvania, exclusive of pew rents and other

free contributions belonging to the aforesaid congregation, which said money shall be received by the said trustees and disposed of by them for the purposes and in manner herein before described and directed.

Passed March 12, 1783. Recorded L. B. No. 2, p. 51, etc.

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## CHAPTER MXI.

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### **AN ACT TO VEST THE PRESENT TRUSTEES OF THE LOAN OFFICE WITH CERTAIN POWERS AND AUTHORITIES.**

(Section I, P. L.) Whereas it is required in and by the act establishing the loan-office, passed the twenty-sixth day of February, one thousand seven hundred and seventy-three, and in and by the act appointing certain persons therein named to do and execute the business and duty of those which had been appointed in and by the first mentioned act that certain persons therein named proceed and do certain acts and things as therein is severally and respectively set forth:

(Section II, P. L.) And whereas doubts have arisen whether one trustee can legally do and perform the several duties of the said office:

For remedy whereof.

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That David Rittenhouse, esquire, the present trustee of the loan-office, be and he is hereby vested with all the powers and authorities of any or all of the former trustees of the said loan-office.

[Section II.] And it is hereby enacted and declared, That every act and debt of the said David Rittenhouse done in pursuance of his said trust, shall be, and hereby is declared to be to all intents and purposes, as good, valid and effectual in law, as if the same had been done by any

or all of the former trustees of the said loan-office, incorporated, nominated and appointed in either of the aforesaid laws, anything contained in any law heretofore made to the contrary in anywise notwithstanding.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the present trustee shall be entitled to the annual salary of one hundred and fifty pounds.

Passed March 13, 1783. Recorded L. B. No. 2, p. 55, etc.

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## CHAPTER MXII.

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### AN ACT FOR THE RELIEF OF JOHN GOSLINE, OTHERWISE CALLED JOHN GOSLING.

(Section I, P. L.) Whereas John Gosline of the borough of Bristol and county of Bucks, cordwainer and tanner, by proclamation of the honorable the supreme executive council of this state, was summoned by the name of John Gosling, shoemaker, now or late of Bristol township, in the county of Bucks, to render himself to some or one of the justices of the supreme court, or of the justices of the peace of one of the counties in this state on or before the first day of August, in the year of our Lord one thousand seven hundred and seventy-eight, in order to abide his legal trial for high treason.

(Section II, P. L.) And whereas it appears that the said John Gosline had surrendered himself before the issuing of the said proclamation to one of the justices of the peace of this state and had given security for his appearance to answer when called upon, and that he did not afterwards secrete himself, nor endeavor to elude a trial at law, but resided openly in his proper county, and that his attainder had taken place in consequence of his ignorance of the forms of law.

(Section III, P. L.) And whereas the said John Gosline hath humbly prayed of this house to be admitted to a trial at law for any treasons alleged to have been by him committed, before

he shall suffer the pains, penalties, forfeitures and disabilities of any attainder of high treason incurred by the not surrendering of himself according to the requisitions of the said proclamations.

[Section I.] (Section IV, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if the said John Gosline, otherwise called John Gosling, shall on or before the tenth day of April next render himself to some or one of the justices of the supreme court or of the justices of the peace of one of the counties within this state in order to abide his legal trial for all treasons and misprisions of treason which may be alleged against him, that then, upon the certificate of the said justice or justices that he hath so rendered himself and hath given security for his appearance and for abiding the judgment of the court, or that he hath been committed to the gaol of the county, either for want of sureties or because the offence was not in its nature bailable in the opinion of the said justice or justices; and if the said certificate shall be recorded in the office of the master of the rolls for this state, or of the recorder of deeds for the city or county where such justice shall reside, that then and whenever such render shall be made and certificate granted and enrolled or recorded as aforesaid, all attainders and forfeitures of estates real and personal, and all legal disabilities which may have happened to the said John Gosline, otherwise called John Gosling, for or by reason of his not having rendered himself according to the said proclamation, shall be from thence forward null and void, and of no force or effect whatever, anything in the said proclamation or the act of assembly, entitled "An act for the attainder of divers traitors, if they render not themselves by a certain day, and for vesting their estates in this commonwealth, and for effectually discovering the same, and for ascertaining and satisfying the lawful debts and claims thereupon,"<sup>1</sup> to the contrary in anywise notwithstanding.

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<sup>1</sup> Passed March 6, 1778, Chapter 784.

[Section II.] (Section V, P. L.) Provided always, That nothing in this act contained shall be construed to extend to the exempting of the said John Gosline, otherwise called John Gosling, from suffering any punishment, penalty or forfeiture, for any treason or misprision of treason of which he shall be convicted upon a trial by jury, and to which he shall be sentenced by judgement of court.

Passed March 13, 1783. Recorded L. B. No. 2, p. 56, etc.

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### CHAPTER MXIII.

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#### AN ACT TO PREVENT AND STAY SUITS FROM BEING BROUGHT AGAINST THE INHABITANTS OF WYOMING DURING THE TIME THEREIN MENTIONED.

(Section I, P. L.) Whereas commissioners duly authorized and appointed agreeable to the ninth article of the confederation of the United States to hear and determine the controversy between the commonwealth of Pennsylvania and the state of Connecticut, have adjudged and decreed, "That the jurisdiction and pre-emption of all the territory lying within the charter boundary of Pennsylvania and claimed by the state of Connecticut, do of right belong to the state of Pennsylvania."

(Section II, P. L.) And whereas this house, taking into consideration the situation of the present settlers under the late claim of the state of Connecticut, at that part of Wyoming eastward and northward of Nescopeck Falls, on the east branch of Susquehanna, have agreed to send commissioners to make inquiry into the cases of the said settlers, and to encourage as much as possible reasonable and friendly compromises between the parties claiming; and therefore it is highly improper that any proceedings at law should be had for the recovery of any lands or tenements during the said inquiry.

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and

by the authority of the same, That every writ and process whatever granted or issued or which may hereafter be granted or issued for any owner or owners, claiment or claimants, against any person being now an inhabitant on said lands at Wyoming, in order to disposes any of the said inhabitants or settlers of the lands or tenements in his, her or their occupancy, shall be, and the same are hereby declared to be stayed; and on motion all further proceedings thereon shall be quashed by the court to which such writ shall be returnable, until the report of the said commissioners shall be laid before this house, and order shall be taken thereupon.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in force until the end of the next sitting of general assembly and no longer.

Passed March 13, 1783. Recorded L. B. No. 2, p. 57, etc. Repealed by the Act of Assembly passed September 9, 1783, Chapter 1030.

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## CHAPTER MXIV.

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### AN ACT TO PREVENT AND DISCOURAGE THE DESERTION OF SAILORS FROM THE FLEETS OF HIS MOST CHRISTIAN MAJESTY.

(Section I, P. L.) Whereas the laws to prevent desertion from the fleets of his most Christian Majesty have hitherto been found defective.

[Section I.] Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That any person or persons within this commonwealth, who shall promote or encourage the desertion of any sailor from any ship or vessel of war belonging to his most Christian Majesty, or shall harbor or conceal any deserter, knowing him to be such, from any of the ships or vessels as aforesaid, every such person so of-

fending shall forfeit and pay for every such offense the sum of thirty pounds for the use and support of government.

[Section II] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for any one justice of the peace of the city of Philadelphia, or of any county within this state, and they and each of them are severally and respectively authorized and strictly enjoined and required, upon any complaint exhibited before any justice as aforesaid of any offense committed contrary to this act, to issue process in nature of a summons, or a warrant under his hand and seal (according to the discretion of the said justice) against the person or persons so accused; and upon his or their appearance, or contempt, he shall call to his assistance one other justice and proceed to an examination of the matters of fact, and upon due proof thereof either by the confession of the party, or by the oath or affirmation of one or more credible witnesses, they shall give judgment or sentence for the above mentioned sum of thirty pounds, and issue an execution for the same against the goods and chattels, and for want of sufficient distress to imprison the party offending for the space of three months, or until satisfaction be made.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That wherever it shall appear to any justice as aforesaid, on oath or affirmation of one or more credible witnesses, that there is ground to suspect that any sailor or sailors deserting as aforesaid, are harbored or concealed on board any ship or vessel within the jurisdiction of this commonwealth, it shall be lawful for the said justice and he is hereby enjoined to issue his warrant, authorizing and commanding the sheriff of the county or the under sheriff (in case of the absence or sickness of the high sheriff) to enter in the daytime on board any such ship or vessel, in which it hath been alleged the sailor or sailors as aforesaid deserting are harbored or concealed, and to make search for the said sailor or sailors, and if necessity requires, to break open any hatch way, door, room or cabin on board said ship or vessel, to discover the said sailor or sailors, and if any such sailor or sailors shall be found on board any ship or vessel so searched, it shall be lawful for the said sheriff or

his under sheriff, as the case may be, and they are hereby respectively required to seize and apprehend the said sailor or sailors and to carry him or them before the justice who issued the warrant, who shall order him or them forthwith to be delivered to the captain or other officer commanding the ship or vessel from which the said sailor or sailors have deserted.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if the party or parties find him or themselves aggrieved by the sentence or judgment of the said justices, acting under the authority of this act, he or they, on giving sufficient security, may appeal to the justices of the peace of the next court of quarter sessions to be held for the city or county where the sentence shall be given, which court is hereby authorized to hear and determine the same, and whose judgment shall be final therein, and not removable by certiorari or any other writ whatever.

Passed March 17, 1783. Recorded L. B. No. 2, p. 58, etc.

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## CHAPTER MXV.

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### AN ACT FOR THE RELIEF OF JOSEPH JUDSON, JAMES ROBINSON AND JAMES LEES, INSOLVENT DEBTORS, CONFINED IN THE OLD GAOL OF THE CITY AND COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas Joseph Judson, James Robinson and James Lees, prisoners confined in the gaol of the city and county of Philadelphia for debt, by their petitions to this house, have severally and respectively set forth, that by reason of divers losses and misfortunes, they are wholly unable to satisfy their several and respective creditors, and have prayed that they may be discharged from further confinement; and it appearing that the said Joseph Judson, James Robinson and James Lees, have fully complied with the directions of this house, in giving proper notice in the newspapers of their several applications, and the prayer of their said petitions being found reasonable and just:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the county court of common pleas in and for the city and county of Philadelphia (by the process of which court the said Joseph Judson, James Robinson and James Lees have been committed) be and they are hereby authorized and required upon the several and respective petitions of the said Joseph Judson, James Robinson and James Lees, to grant upon them, and to each of them, the like relief as by the laws now in force within this state is provided for insolvent debtors who are confined in execution for debt not exceeding one hundred and fifty pounds to any one person.

[Section II.] (Section III, P. L.) And be it also further enacted by the authority aforesaid, That the same court upon such petitions being made to them by the said Joseph Judson, James Robinson and James Lees for their several and respective discharges as aforesaid, shall thereupon proceed in all things conformably to the purport, intent and meaning of the several acts of assembly now in force in this commonwealth for relief of insolvent debtors not owing more than one hundred and fifty pounds to one person as aforesaid; that their several and respective discharges be equally valid and effectual, and their proceedings equally good and binding to all intents and purposes whatever.

[Section III.] (Section IV, P. L.) Provided always and be it further enacted by the authority aforesaid, That if any creditor or creditors of the said Joseph Judson, James Robinson and James Lees, or of either of them, do not, or shall not reside in this state at the time of such proceedings before said court, that the service of notice of application to the said court or of any rule or order of the same court in the premises on the known agent or attorney of such creditor or creditors within this state shall be equally good and effectual as if the same notice or notices were served on such creditor or creditors in person.

CHAPTER MXVI.

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AN ADDITION AND SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR AMENDING AND CONTINUING AN ACT, ENTITLED 'AN ACT FOR THE SUPPORT OF THE GOVERNMENT OF THIS PROVINCE, MAKING THE EXCISE ON WINE, RUM, BRANDY AND OTHER SPIRITS MORE EQUAL,' AND PREVENTING FRAUDS IN THE COLLECTING AND PAYING THE SAID EXCISE.'"<sup>1</sup>

(Section I, P. L.) Whereas it hath been found by experience that the excise laws heretofore in force have not been adequate to the salutary purposes intended by them:

For remedy whereof, and for the better support of civil government.

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act, the rate, duty and sum of eight pence per gallon shall be raised, levied, collected and paid on all wines, rum, brandy and other spirits, bartered or sold and consumed within this state, and which have been or during the continuance of this act shall be imported from beyond seas, or made or distilled from the nautical products of any country beyond seas; and that the rate, duty and sum of four pence per gallon shall be raised, levied, collected and paid on all rum, brandy and other spirits, distilled from the natural products of this state or of any of the United States, and which shall be bartered or sold and consumed within this state (wine, rum, brandy or other spirits, entered for exportation out of this state, and exported accordingly, only excepted) anything in any law heretofore made to the contrary in anywise notwithstanding.

[Section II.] (Section III, P. L.) Provided always nevertheless, and be it further enacted by the authority aforesaid, That

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<sup>1</sup> Passed April 6, 1781, Chapter 938.

every contractor employed and authorized as such by the superintendent of finance to furnish rations for the federal army of the United States or any part thereof, shall upon settlement of his account of rations with the said financier or other proper officer, and having obtained a certificate under his hand or having really and bona fide issued in rations, within any certain limited time any certain number of gallons of wine, rum, brandy or other spirits, particularly specifying the different kinds thereof in such certificate, have credit with the collector or deputy collector of the city of Philadelphia or any county of this state with whom such liquor shall have been entered, in the settlement of his account with such collector, for so much as the duty on the quantity of liquor so certified by the superintendent of finance to have been issued within the time for which the said contractor shall have been charged with excise in the books of the said collector, shall amount to; and the said collector shall enter such discount of excise on the account of the said contractor under his hand; and shall further keep a true account thereof in his own books.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That every person or persons importing any liquors made excisable by this act shall make full and true entries with the collector of excise in the city or county where such liquors shall be imported and unloaded from any vessel, wagon or other carriage, and before the same shall be stored in any warehouse, shop, cellar or other place, of all such liquors, with the casks containing the same, with their true contents, marks and numbers, under the penalty of a sum equal to the excise by this act made chargeable on all such liquors and every importer, merchant or wholesale dealer in any of the liquors aforesaid, shall, upon every sale or alienation of any of the said liquors, without delay, make a return and entry of all liquors so sold, the time when sold the quantity and casks or vessels containing the same, with their marks, contents and numbers, together with the purchaser's name and place of abode, under the penalty of all the duties or excises chargeable by this act on all liquors so neglected to be entered. And the collector of excise or his deputy for the city or county where such

neglect shall happen or shall be suspected to have happened, shall have power by virtue of this act to enter in the daytime into any storehouse, warehouse, shop, cellar or other place in which he may suspect that any such excisable liquors shall be lodged, and there search, examine and compare all such liquors there found with the entries made, and if on inquiry it shall appear to him that there are liquors there stored, and not entered as this act directs or if liquors entered with the said collector as imported or bought have been sold or removed without due entry thereof, then, and in every such case, the said collector or his deputy for the said district shall forthwith charge such importer, merchant or wholesale dealer with the whole excise made chargeable by this act on such liquors, and the quantities there found and not entered as aforesaid, and shall proceed to recover such excise as a penalty from such importer, merchant or wholesale dealer in the same manner as excise is recoverable from retailers of spirituous liquors by this act, or to the act to which this is an addition and supplement. And if any importer, merchants or wholesale dealer shall refuse to open such store, warehouse, shop, cellar or other place where such liquors or any of them may be suspected to be, it shall and may be lawful for the collector or his deputy, to call to his assistance the sheriff of the county or any constable, and to break open such store, warehouse, shop, cellar or other place: and if any such officer shall neglect or refuse to assist such collector or his deputy when so required, he shall forfeit and pay for every such neglect or refusal the sum of ten pounds.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That from and after the first day of June next every distiller of spirituous liquors, before he proceed to distill any further quantity, shall under the penalty of ten pounds enter with the collector of excise for the city and county respectively, or his deputy, wherein such distiller shall reside, an account of all such stills with the number of gallons which they do severally contain, and shall be accountable to such collector or his deputy for all liquors by him retailed, drawn, sold, bartered or delivered to any person or persons, for any valuable consideration whatsoever, in any quantity less than twenty gal-

lons at one time and to one person, and shall enter the same and pay the excise thereon, as retailers are by law obliged to do; anything contained in any law heretofore made to the contrary notwithstanding. And if any such distiller shall sell, deliver, dispose of or remove, or shall suffer to be sold, delivered, disposed of or removed from the distillery, store or cellar of the said distiller, any quantity of spirituous liquors above twenty gallons at one time to one person, without entering the same, or causing it to be entered with the collector of the county or his deputy, and without taking out a permit of such entry, therein specifying the name of the person to whom such liquor hath been sold, delivered or disposed of, with the quantity thereof, and the vessel or vessels containing the same, with their marks and numbers, and where the same is to be removed to, to be sold or consumed, every such distiller shall forfeit and pay, for every such offense, a sum equal to the value of the liquor so neglected or refused to be entered agreeable to the true intent and meaning of this act, to be recovered in any court of record within this state, by bill, plaint or information, wherein no essoin, protection, wager of law, nor more than one imparlance shall be allowed. Of all which entries and permits, the collector or his deputy, with whom the [same] shall be entered, shall keep true and fair accounts, and shall charge the several persons named in such permits, to whom such liquors shall have been so sold or delivered by the distiller thereof with the excise chargeable thereon, as by this act is made payable for such liquor; and unless payment thereof be made within three months from the date of such permit or a certificate from the collector of the city or county where the same hath been sold and delivered, importing that the same liquors have been sold and delivered by wholesale to some person or persons within the county of which he is collector or deputy collector, be returned to the collector, or his deputy, of the county where such liquors were distilled or removed from, the said collector or his deputy shall proceed against such delinquent, and recover all such sum or sums declared to be due by this act, in the same manner, and under the same fines and forfeitures as other duties are made payable and recoverable by this act or the act to which this is an addition and supplement.

(Section VI, P. L.) And whereas some difficulties have arisen about the meaning of the nineteenth section of the act, entitled "An act for the support of [the] government of this province, making the excise on wine, rum, brandy and other spirits, more equal, and preventing frauds in the collecting and paying the said excise," passed the twenty-first day of March, one thousand seven hundred and seventy-two:<sup>1</sup>

(Section VII, P. L.) And whereas it is fit and proper that retailers of wine or spirituous liquors should now pay a larger sum annually than hath been required by law heretofore:

[Section V.] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That if the duties charged by this act on the liquors retailed by any person in one year do not amount to the sum of six pounds, such person shall be charged with such sum as will make the whole excise payable in one year equal to six pounds.

(Section IX, P. L.) Provided always, That nothing in the foregoing section shall extend to the counties of Bedford, Northumberland, Westmoreland and Washington.

(Section X, P. L.) Provided also, That nothing herein contained shall be construed to excuse or exonerate any person from paying any greater sum than six pounds, if the real excise on the liquors by him or her retailed within the year should arise to any greater sum.

[Section VI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That from and after the twenty-fifth day of April next, it shall and may be lawful for any constable or constables, supervisors of the highways and any overseer or overseers of the poor in the city or respective counties, as often as they shall find any carter, wagoner, drayman, boatman or other person conveying by land or water, any of the wines or spirituous liquors aforesaid, to ask and demand from any such carter, wagoner, drayman, boatman or other person conveying the same, a permit for the lawful removal of such wines or spirituous liquors, and upon neglect or refusal of the party to produce and show such permit, to stop and deliver all such wines or spirituous liquors to the collector or his deputy, or to

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<sup>1</sup> Passed March 21, 1772, Chapter 656.

the nearest magistrate safely to keep, and such constable, supervisor or overseer shall forthwith inform the collector of the county or his deputy of such demand and seizure, who shall immediately proceed therein accordingly to law, and if on a final trial it shall be adjudged a proper seizure, the said constable, supervisor or overseer shall be entitled to one equal moiety or share which by the former acts in case of seizure would have been the property of the collector.

[Section VII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That in all cases of appeal to the judgment of the court of quarter sessions for anything done in pursuance of this act, or the act to which this is an addition and supplement, their judgment therein shall be final, and no writ of certiorari shall issue for the removal thereof into the supreme court.

[Section VIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the constables of the city and several counties of this state shall from and after the passing of this act make a true return of the names and surnames of all the several distillers holding or occupying distilleries, within their respective township, wards or districts, to the clerk of the court of quarter sessions of their respective county once in every three months under the penalty of ten pounds.

[Section IX.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the several clerks of the court of quarter sessions shall, and they are hereby enjoined and required to file and keep all such returns of the said constables, and to transmit certified copies of them, at least once in every six months, into the comptroller-general's office under the penalty of fifty pounds; which returns, so rendered, shall be considered and taken as a check on the accounts exhibited by the collectors respectively, for settlement in the said comptroller's office.

[Section X.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That hereafter it shall be the duty of the several collectors of excise, to lay their accounts respectively before the comptroller-general once in every six months or oftener if thereunto required by the said comptroller-general,

who shall adjust and settle all such accounts, and shall direct and order all such collectors forthwith to pay the moneys in their hands into the treasury of this state. And if any of the said collectors [shall] shall [sic] neglect or refuse so to do, the comptroller-general shall, and he is hereby authorized, forthwith to proceed against every such delinquent collector as by law he is directed in the case of other delinquents.

[Section XI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the comptroller-general as often as he shall adjust and settle the accounts of any of the counties [within] [of] this state, he shall cause an abstract of collectors of excise in any of the counties [within] [of] this state, he shall cause an abstract of the said accounts respectively to be published and distributed in the counties which they respectively refer to, in which accounts so published, shall be noted all entries of wines and spirituous liquors, the excise payable thereon by whom entered, the amount of seizures, and the sums outstanding.

[Section XII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall take a permit for the removal of wines or other liquors, made excisable by this act, and shall not convey the said wines or other liquors to the county mentioned in the permit, or shall convey such wines or liquors to any other county within this state, and shall neglect or refuse to make entry of such further removal with the collector of the county to which the permit is directed, and to produce the permit aforesaid to the said collector, or shall take a permit in the name of any other person than the real owner of such wine or other liquors, or shall enter them for exportation out of the state, either by land or water, and after the removal of any of the said wines or other liquors, shall unlade and put any of the said wines or other liquors into any house, store, cellar or other place within this state without first entering the same with the collector of the county or his deputy, where the same shall be unladed or stored, every such offender shall forfeit and pay the sum of fifteen pounds for every hundred gallons so neglected to be properly entered, conveyed and conducted as this act directs, and

so in proportion for any greater or lesser quantity; and also shall forfeit all such wines or other liquors, which shall be in any of the above ways attempted to be concealed from the payment of the duties required by this act; the one moiety of all such seizures, fines and forfeitures so made and recovered shall be to the informer who shall prosecute the offender to conviction, and the other half to the use of the state, to be recovered as other fines and forfeitures are by this act, and the act to which this is an addition and supplement made recoverable.

[Section XIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That before the twenty-fifth day of April next, and before the present collectors of excise or their successors in office or any of them [shall] enter upon the execution of the duties of their respective offices, they shall each and every of them enter into bonds, with two sufficient sureties, to the treasurer of the state for the time being, for the sums following, to-wit: The collector of the city and county of Philadelphia, in the sum of three thousand pounds.

The collector of the city and county of Bucks, in the sum of six hundred pounds.

The collector of the county of Chester, in the sum of nine hundred and fifty pounds.

The collector of the county of Lancaster, in the sum of one thousand three hundred pounds.

The collector of the county of York, in the sum of seven hundred and fifty pounds.

The collector of the county of Cumberland, in the sum of seven hundred and forty pounds.

The collector of the county of Berks, the sum of seven hundred pounds.

The collector of the county of Northampton, in the sum of three hundred and sixty pounds.

The collector of the county of Bedford, in the sum of one hundred and eighty pounds.

The collector of the county of Northumberland, in the sum of two hundred and fifty pounds.

The collector of the county of Westmoreland, in the sum of one hundred and fifty pounds.

The collector of the county of Washington, in the sum of one hundred and fifty pounds.

To be paid to the said treasurer or his successor, for the faithful discharge of their respective duties, and for the respective accounting for and paying all such sums of money as they shall from time to time receive by virtue of this act, and the act to which this is an addition and supplement:

[Section XIV.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That every person who hath been or hereafter shall be a collector of excise within this state, and who hath been or hereafter shall be removed from said office, shall forthwith on demand of the excise officer appointed in his room, deliver to the new appointed officer all books, accounts, records and entries in his possession of all excise, fines, forfeitures and debts due and outstanding by virtue of this act or the act to which this is an addition and supplement, whole and undefaced, under the penalty and forfeiture of one hundred pounds to be used for and recovered by the comptroller-general at the suit and for the use of the commonwealth in manner as other fines and forfeitures are made recoverable by this act, all which sums of money so due and outstanding shall in the settlement of his accounts, be placed to the credit of the officer so removed, and the new appointed officer shall collect, account and settle for the same, in the same manner as for other moneys receivable by him by virtue of this act.

[Section XV.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That from and after the [said] twenty-fifth day of April, no collector already appointed or hereafter to be appointed, nor any of their deputies shall enter upon the duties of his office before he shall take the following oath or affirmation before some justice of the peace of the county for which he shall be the collector, to wit: "That he will truly and faithfully execute the office of collector or deputy collector of excise for the county of ————— without favor or affection to any, and shall from time to time truly account with the comptroller for the time being, for all moneys which he shall receive, and truly pay to the state treasurer for the time being, so much thereof as he ought to pay in pursuance of the several acts of

assembly which relate to the raising, levying and paying the excise on wine, rum, brandy and other sprits, and that he shall not break open any house, cellar or other place to search for any of the said liquors without sufficient reason to suspect a fraud is intended."

[Section XVI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the several collectors of the counties of Bedford, Northumberland, Westmoreland and Washington shall deduct out of the public moneys which may come to their hands by virtue of this act or the act to which this is an addition and supplement twelve and a half per centum for their services respectively.

And the collectors of the counties of York, Cumberland, Berks and Northampton shall be entitled to six per centum for their services respectively as aforesaid.

And the collectors of the counties of Bucks, Chester and Lancaster shall be entitled to five per centum for their services respectively as aforesaid.

And the collector of the city and county of Philadelphia shall be entitled to two and a half per centum for his services as aforesaid and no more.

And the treasurer of the state shall receive one and an half per centum for receiving and paying all the moneys which may come to his hands by virtue of this act, or the act to which this [is] an addition and supplement.

[Section XVII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act the rates of all tavern licenses exclusive of the fees of office shall be double the sum at which they have been by law charged hitherto, and the clerks of the courts of quarter sessions are hereby enjoined and required to receive from every person who shall be recommended as the law directs to keep a public house, a sum for every license for that purpose, equal to double the sum which all such licenses have been respectively rated at by law, in the city of Philadelphia and the several counties of this state, and shall account for and pay over all such sums by them received, in the manner directed hereto-

fore by law for receiving and paying over the same, anything in any law heretofore made in anywise notwithstanding.

[Section XVIII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall hereafter retail and sell less than one quart of rum, wine, brandy or other spirits, to be delivered at one time and to one person without having first obtained license agreeable to law, for that purpose, he, she or they shall forfeit and pay for every such offence the penalty of ten pounds over and above the excise for all such liquors by them retailed as aforesaid or be committed to the workhouse or prison of the respective county where the offence shall be committed there to be kept at hard labor for the space of three months, anything in this law or any other law to the contrary notwithstanding.

[Section XIX.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That so much of the act to which this is an addition and supplement, as is altered, supplied or amended by this act, be and the same is hereby repealed and made void, anything contained in any of the said laws in anywise notwithstanding.

Passed March 19, 1783. Recorded L. B. No. 2, p. 61, etc. See the Act of Assembly passed March 20, 1783, Chapter 1018.

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## CHAPTER MXVII.

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A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PREVENT THE EXPORTATION OF BREAD AND FLOUR NOT MERCHANTABLE AND FOR REPEALING AT A CERTAIN TIME ALL LAWS HERETOFORE MADE FOR THAT PURPOSE."<sup>1</sup>

(Section I, P. L.) Whereas in and by the act, entitled "An act to prevent the exportation of bread and flour not merchantable and for repealing at a certain time all laws heretofore made for that purpose,"<sup>1</sup> passed the fifth day of April, one thousand seven hundred and eighty-one, inspectors of flour are not ap-

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<sup>1</sup> Passed April 5, 1781, Chapter 936.

pointed in and for the counties of Westmoreland and Washington, by which means the credit of so valuable and essential a trade may be much injured:

For remedy whereof.

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in Genral Assembly met, and by the authority of the same, That William Emerson be and he is hereby appointed inspector for the county of Westmoreland, and Hugh Gardner for the county of Washington aforesaid; the said inspectors to hold their respective offices from the publication of this act for the space of four years and from thence until the end of the next sitting of the general assembly, and no longer, except they shall be re-appointed by the general assembly.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said inspectors are hereby authorized and empowered to appoint deputies under them; but before any of the said inspectors or their deputies shall do anything in the execution of his or their offices, he and they shall take the oath or affirmation prescribed by the said act to which this is a supplement; and the said inspectors and their deputies shall have all the power and authority in their respective counties, that the inspectors in the said act named have in their respective counties and districts, and be subject at all times to all the fines, penalties, rules and regulations of the act aforesaid.

[Section III.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That the said inspectors shall receive six pence for each cask of flour they inspect, to be paid in the same manner as is directed in the act to which this is a supplement.

Passed March 19, 1783. Recorded L. B. No. 2, p. 68. See Act of Assembly passed September 30, 1791, Chapter 1595.

CHAPTER MXVIII.

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AN ACT FOR RAISING AND COLLECTING OF MONEY ON THE SPECIFIED ARTICLES THEREIN MENTIONED, FOR THE SUPPORT OF GOVERNMENT, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas it is necessary to raise a sum of money for the support of government, discharging its debts and incidental expenses, and preserving the public credit:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That there shall be raised, levied and collected for the uses aforesaid annually hereafter, from the owner or possessor of [every] billiard table the sum of fifteen pounds from the owner or possessor of every one horse two wheeled sulky, solo, chair or chaise the sum of one pound ten shillings, from the owner or possessor of every carriage, commonly called a phaeton or four wheeled chaise the sum of four pounds, from the owner or possessor of every carriage commonly called a coach, chariot or post-chaise the sum of seven pounds ten shillings, from the owner or possessor of every covered family wagon commonly called a caravan the sum of three pounds, from the owner or possessor of every stage-coach the sum of seven pounds ten shillings, and from the owner or possessor of every stage-wagon the sum of five pounds.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act the prothonotary of the city and county of Philadelphia shall pay out of the fees of his office for every writ whether original or judicial, mesne process, or any writ which shall be issued in the course of any action (subpoenas for witnesses and

writs issued in behalf of this commonwealth only excepted) the sum of five shillings and seven pence:

And the prothonotary of the county of Bucks shall pay out of the fees of his office as aforesaid the sum of two shillings.

And the prothonotary of the county of Chester shall pay out of the fees of his office as aforesaid the sum of three shillings and nine pence.

And the prothonotary of the county of Lancaster shall pay out of the fees of his office as aforesaid the sum of five shillings.

And the prothonotary of the county of York shall pay out of the fees of his office as aforesaid the sum of four shillings.

And the prothonotary of the county of Cumberland shall pay out of the fees of his office as aforesaid the sum of four shillings.

And the prothonotary of the county of Berks shall pay out of the fees of his office as aforesaid the sum of three shillings.

And the prothonotary of the county of Northampton shall pay out of the fees of his office as aforesaid the sum of two shillings [and six pence].

Which sums arising from writs as aforesaid shall be severally paid by the respective prothonotaries unto the treasurer of the state once in every six months, having first settled and registered an account thereof with the comptroller-general, who is hereby empowered and directed to settle all such accounts on oath or affirmation of each and every prothonotary, and on neglect or refusal to account and pay as herein set forth, each prothonotary so neglecting or refusing shall forfeit and pay for the use of this Commonwealth the sum of five hundred pounds, to be recovered in any court of record where such prothonotary dwells.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That in case of removal, resignation or death of any prothonotary as aforesaid, he, his heirs, executors, administrators or assigns, as the case may be, shall pay such sums as are above rated on every writ as aforesaid and before not accounted for.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That if any owner or possessor of any of the

articles herein before mentioned, whereon specified sums of money are by this act directed to be raised and collected, shall neglect or refuse to make true returns thereof to the assessor of the proper township or district for the time being, such owner or possessor shall pay double the tax or sum of money herein before directed to be raised on such article, to be levied and collected for the uses aforesaid.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the commissioners, assessors and collectors shall have and exercise like power in raising, levying and collecting the money to be raised upon the articles above mentioned, as the commissioners, assessors and collectors respectively have in and by an act, entitled "An act to raise effective supplies for the year one thousand seven hundred and eighty-two," passed the twenty-seventh day of March in the year of our Lord one thousand seven hundred and eighty-two.<sup>1</sup>

[Section VI.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That from and after the passing of this act, there shall be raised, levied and collected, for the uses aforesaid, an impost or duty of four pence per gallon on all wines imported into this state in casks, and one shilling per dozen on all wines imported in bottles; the above sums respectively to be paid over and above the excise or duty directed to be raised, levied, collected and paid, by an act, entitled "A supplement to an act, entitled an act for amending and continuing an act, entitled an act for the support of the government of this province, making the excise on wine, rum, brandy and other spirits more equal, and preventing frauds in the collecting and paying the said excise," passed the nineteenth day of March in the year of our Lord one thousand seven hundred eighty-three<sup>2</sup> and over and above the duty imposed by an act, entitled "An act for an impost on goods, wares and merchandise imported into this state," passed the twenty-third day of December, one thousand seven hundred and eighty.<sup>3</sup>

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<sup>1</sup> Passed March 27, 1782, Chapter 961.

<sup>2</sup> Passed March 19, 1783, Chapter 1016.

<sup>3</sup> Passed December 23, 1780, Chapter 925.

[Section VII.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That hereafter there shall be raised, levied and collected, a duty or impost of four pence per gallon on all strong beer, ale and porter, imported into this state in casks, and two shillings and six pence per dozen on such beer, ale and porter imported in bottles, and a duty or impost of two pence per pound on all refined loaf sugar so imported.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the naval officer at the time being, and his deputy and assistants, shall have and exercise all and every of the powers for the raising, levying, collecting and securing of the payment of the duties and imposts hereinbefore mentioned, as said naval officer, his deputy and assistant have, in and by an act, entitled "An act for an impost on goods, wares and merchandise imported into this state," passed the twenty-third day of December, one thousand seven hundred and eighty.<sup>3</sup>

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That all the moneys to be raised and collected by virtue of this act, shall be applied for the support of government discharging its debts and incidental expenses, and preserving the public credit.

Passed March 20, 1783. Recorded L. B. No. 2, p. 69, etc. See the Acts of Assembly passed September 17, 1783, Chapter 1032; September 25, 1786, Chapter 1248; March 26, 1789, Chapter 1405; April 1, 1791, Chapter 1546; January 13, 1794, Chapter 1708; April 22, 1794, Chapter 1758; April 13, 1795, Chapter 1832.

## CHAPTER MXIX.

AN ACT TO REPEAL PART OF THE ACT, ENTITLED "AN ACT FOR THE MORE EFFECTUAL SUPPRESSION OF ALL INTERCOURSE AND COMMERCE WITH THE ENEMIES OF THE UNITED STATES OF AMERICA," AND FOR OTHER PURPOSES THEREIN CONTAINED.<sup>1</sup>

(Section I, P. L.) Whereas by the act, entitled "An act for the more effectual suppression of all intercourse and commerce with the enemies of the United States of America,"<sup>1</sup> it is pro-

<sup>1</sup> Passed September 21, 1782, Chapter 986.

vided that the nature and quantities of clothing designed for prisoners of war shall be certified to the president and council of this state before they be imported: And whereas such provision is deemed contrary to [the spirit of] the ninth article of the confederation of the United State of America:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That so much of the third section of the act aforesaid, which contains the following words to wit: "Provided the nature and quantities of such clothing be certified to the president and council of this state before they be imported by the commander-in-chief of the forces of the United States, or by some other officer thereunto specially appointed by the honorable the congress of the United States" be and the same is hereby repealed and made void.

(Section III, P. L.) And whereas by a memorial of the merchants and traders of the city of Philadelphia it appears that considerable quantities of imported goods have been wantonly stopped by a number of interested persons in their progress through the state, and without the most remote suspicion of such goods falling under the censure or prohibition of law to the great injury and prejudice of the fair trader: And whereas such seizures are manifestly against the true intent and meaning of the act aforesaid and destructive of the commerce of this state:

[Section II.] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That when any seizure is made of goods, wares or merchandise, under and by virtue of the act aforesaid, the person or persons who made such seizure shall, within twenty-four hours thereafter, and before any bale, box, trunk or other package be opened for inspection, depose on his, her or their solemn oath or affirmation before any justice of the peace of this state that in their opinion there is probable cause for such seizure.

(Section V, P. L.) And to prevent all unjust and wanton seizures which may be made either through private pique, resentment or other undue motives:

[Section III.] Be it enacted by the authority aforesaid, That any person or persons seizing goods, wares or merchandise, shall, on his delivering an inventory of the same to any justice of the peace for trial, enter sufficient security with the said justice to answer and pay all costs and charges of suit, if after trial had it appears to the full satisfaction of the justice or justices and jury as the case may be that the goods, wares or merchandise seized were not contraband, anything in the said act to the contrary notwithstanding.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That on the neglect or refusal of any person or persons to enter security for the payment of costs and charges as aforesaid, the justice of the peace to whom the inventory was delivered shall forthwith issue his order to the sheriff or constable in whose hands the goods may be directing the said sheriff or constable to deliver the said goods to the person or persons claiming the same, and which the said sheriff or constable is hereby directed and enjoined to perform on the claimant or claimants paying such legal costs and charges as may be assessed by the justice aforesaid.

[Section V.] (Section VII, P. L.) Provided always, That nothing in this act contained shall be deemed or taken so as to prevent the person or persons claiming any goods, wares or merchandise, from entering security to answer and pay all charges and costs which shall be caused by his or their defence or interference, all which charges and costs shall be paid by the person or persons so claiming as aforesaid, unless he or they prove to the satisfaction of the justice or justices and jury, that the goods, wares and merchandise seized were not contraband, and not otherwise.

Passed March 20, 1783. Recorded L. B. No. 2, p. 71, etc.

CHAPTER MXX.

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AN ACT FOR THE SETTLEMENT OF THE PUBLIC ACCOUNTS OF THE  
UNITED STATES OF AMERICA.

(Section I, P. L.) Whereas the good people of the United States of America labor under great inconveniences from the public accounts remaining unsettled and from many large sums of money and much other property being wrongfully detained from them by persons who have been intrusted therewith, or who have become possessed thereof:

(Section II, P. L.) And whereas it would be expensive, dilatory and difficult to settle and adjust the same in the ordinary way of proceeding in the courts of justice:

(Section III, P. L.) And whereas sufficient powers and authorities in the offices for this purpose by the said United States in congress assembled apointed have not been heretofore given; and it is become highly expedient for the public good, that the plans which have been adopted and recommended by congress for the settlement of the said public accounts and for the recovery from individuals of moneys and effects belonging to the United States of America, be carried into speedy and effectual execution:

(Section IV, P. L.) And whereas by an act made and passed in congress on the twenty-seventh day of February, one thousand seven hundred and eighty-two it was ordained and provided that five commissioners should be appointed for the settlement of accounts under the direction of the superintendent of the finances of the United States of America; namely, one for the quarter master's department, one for the commissary's department, one for the hospital department, one for the clother's department, and one for the marine department, each of which commissioners shall have full power and authority to liquidate and finally settle the accounts of the departments respectively assigned to them, up to the last day of December,

which was in the year of our Lord one thousand seven hundred eighty and one, inclusive of the [said] day; and by the same act it was recommended to the several legislatures of the said states to empower the said commissioners to call for witnesses and to examine such witnesses on oath or affirmation touching such accounts as were or should be respectively assigned to them for settlement, and also to make provision by law for the speedy and effectual recovery from individuals of debts due and effects belonging to the United States of America:

[Section I.] (Section V, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That every of the said commissioners shall be and hereby is vested with [full] power and authority within his respective department to issue his process when and so often as the same shall be deemed necessary at the suit of the United States of America, in the nature of a summons, directed to any person or persons whatsoever (within his proper department) who, at any time or times on or before the last day of December which was in the year of our Lord one thousand seven hundred eighty and one, was or were officers or persons appointed or employed, or who acted in the department aforesaid; and against any person who acted either as principal, deputy, assistant or agent, or who was employed by any such principal, deputy, assistant or agent in any of the said respective departments, or against any other person or persons whatsoever within this state, concerning whom it shall be alleged, that he, she or they have or had in his, her or their hands or possession any moneys or other personal property belonging to the United States of America, either at the time of issuing such process or at any time before; or against whom the said United States have or may have any claim or demand whatsoever, and requiring him, her or them to be and appear before such commissioner at a certain day and place in the said process to be expressed; provided that the same be not sooner than fifteen days, to be computed from the service of such process, and that the same process set forth briefly the cause for which the said person or persons shall be so summoned; and upon the

appearance of any person or persons either voluntarily or [after] being summoned in manner aforesaid, to proceed to the hearing and examination of the allegations, vouchers and evidence for and against such person or persons and to liquidate his, her or their accounts, and to pass judgment thereon according to law and as the merits of the case shall require. And that the said commissioner may be fully enabled to perform and execute the trust reposed in him, it shall and may be lawful for such commissioner at any time or times, and as often, as it shall be deemed necessary, to issue one or more subpoena or subpoenas for, and to call before him any witness or witnesses, and to examiner such witness or witnesses upon oath or affirmation, touching the merits of the matter in controversy before such commissioner, and generally to use and exercise such effectual and like means for the collecting and procuring of evidence either for or against any defendant or defendants or person or persons whose account may be depending before such commission for liquidation and settlement, as any of the courts of common law may or can use and exercise in suits and causes depending before them.

(Section VI, P. L.) Provided always, That the place of appearance of any party so summoned as aforesaid be not at any place without the county wherein such party doth reside.

[Section II.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any witness shall wilfully falsify, or knowingly swear or affirm to any untruth in a material point in any suit or cause to be instituted before any of the said commissioners by virtue of this act, the same shall be deemed perjury, and the person guilty thereof shall be liable to be prosecuted in any court of quarter sessions of this state within the jurisdiction whereof such offence shall be committed, and upon conviction thereof he or she shall suffer the like pains, penalties and disabilities to which those who commit wilful and corrupt perjury in any court of record of this commonwealth are liable.

(Section VIII, P. L.) And for the better discovering of the real and true merits of any cause, suit or controversy at any time or times hereafter to be brought, or which shall be depend-

ing before any such commissioner under or by the authority of this act,

[Section III.] Be it further enacted by the authority aforesaid, That upon the hearing of any such cause or causes, suit or suits, it shall and may be lawful for such commissioner to tender to such defendant or defendants interrogatories, and to examine him or them upon oath or affirmation as the case may require concerning such matter which shall be in issue or controversy in such suit or suits, cause or causes, and to compel the said defendant or defendants to answer thereto in the manner aforesaid under the penalty, that in case he, she or they refuse to answer to all or any of the facts alleged against him, her or them, such facts shall be considered, as confessed by him, her or them, and the said facts shall be deemed to be true.

(Section IX, P. L.) Provided always, That no interrogatories shall be put to such defendant or defendants, the answer to which may tend to criminate him, her or them, or to incur any penalty or forfeiture; and it shall be lawful for every such commissioner within his proper department to call upon any such defendant or defendants, and to compel him, her or them to produce upon oath or affirmation, to such commissioner, all and singular the books, accounts and original entries of his, her and their offices and employments, unless the same shall appear to have been unavoidably lost or destroyed, and in case of refusal, to commit him, her or them to the gaol of the county, there to remain, without bail or mainprize until such books, papers and original accounts be produced as aforesaid.

[Section IV.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That in every case wherein judgment or judgments shall be rendered in favor of the United States of America in any suit or cause, or upon any proceeding constituted as aforesaid, it shall and may be lawful for the party against whom such judgment or judgments shall be rendered to appeal therefrom within five days after he, she or they shall have notice of the rendering of such judgment or judgments, but not otherwise; provided such rendering be made ten days before the next sitting of the court of common pleas of the county in which county such judgment or judgments shall be

had, and upon such appeal or appeals being lodged within the two first days of the sitting of the said next court, such court shall proceed to hear the same upon the real merits of the case in the same term (unless reasonable cause be shown to the contrary) and without the usual imparlances and to determine thereupon, either by a jury returned instanter, or otherwise agreeably to the usual course of proceedings in such court, and shall cause execution to be done thereupon, as is usual in like cases between party and party; which judgment and determination shall be final and conclusive.

(Section XI, P. L.) Provided nevertheless, That no such appeal shall be received, unless sufficient security be given before one of the justices of said court on lodging such appeal to prosecute such appeal to effect and to satisfy the judgment rendered by the said commissioner, or such judgment as the said court may pronounce, and also to satisfy all costs in case the judgment appealed from be confirmed.

(Section XII, P. L.) And whereas by one other act passed by the United States of America in congress assembled, on the twentieth day of February, one thousand seven hundred and eighty-two, it was ordained and declared that a commissioner for each state should be appointed in the manner therein mentioned with full power and authority finally to settle the accounts between the state for which such commissioner shall be nominated and the United States of America; and also to liquidate and settle, in specie value, all certificates given for supplies by public officers to individuals, and other claims against the United States of America by individuals for supplies furnished to the army, the transportation thereof and contingent expenses thereon, within the said state, according to the principles of equity and good conscience in all cases which were not, or should not be provided for by congress: And whereas it is reasonable and will be highly conducive to the public good that the commissioner appointed or to be appointed for this state for the purposes in the last mentioned act or ordinance of congress declared, should by laws for this purpose enacted be vested with sufficient powers to carry into effectual execution the duties of his office:

[Section V.] (Section XIII, P. L.) Be it therefore enacted by the authority aforesaid, That the commissioner appointed or to be appointed for this commonwealth for the purposes in the last mentioned act or ordinance of congress declared, shall be and hereby is vested with full power and authority to summon witnesses and to examine them upon oath or affirmation, and execute the like means in this behalf and for the collecting and procuring of evidence as any commissioner appointed or to be appointed for the purposes set forth in the first above recited act of congress may or can do by virtue of this act; and if any such witness to be examined as last aforesaid shall wilfully falsify or shall knowingly swear or affirm to an untruth touching any material point concerning which he or she shall be examined as aforesaid, the same shall be deemed perjury and the offender upon conviction thereof in manner aforesaid shall suffer like pains, penalties and disabilities with such like offenders in this act before mentioned.

[Section VI.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That every comptroller, treasurer, register, auditor and clerk appointed or to be appointed by the United States in congress assembled, or by the superintendent of finance, or otherwise by authority of congress, for the purposes mentioned in one other act or ordinance of congress, made and [passed] on the eleventh day of September, one thousand seven hundred and eighty-one, is hereby vested with full power and authority to carry into effectual execution the duties and functions of his respective office, and appointment in like manner and as fully as if the same ordinance were enacted and declared by the laws of this commonwealth, in the words or to the effect in which it has been expressed by the United States of America in congress assembled; and every such comptroller and auditor appointed, or to be appointed as aforesaid, hereby is vested with as full power and authority to compel the attendance of any witness or witnesses before him, and to examine every such witness upon oath or affirmation touching such matters as shall be depending before him in the way of his said office or employment, and generally to procure and collect evidence and testimony, as fully and effectually as any of the

commissioners herein before mentioned may or can do by virtue of this act, and every witness to be examined by such comptroller or auditor in manner aforesaid, is enjoined to make true answer under the like pains, penalties and disabilities as are by this act before mentioned and provided in other cases.

[Section VII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That every commissioner and officer appointed and to be appointed in pursuance of the several acts and ordinances of congress before mentioned, previously to his undertaking to exercise the powers and authorities by this act vested in him, shall take and subscribe the following oath or affirmation before the president or vice president of the supreme executive council of this state, to wit: "I A. B. do solemnly swear (or affirm) that I will truly and faithfully execute the office of \_\_\_\_\_ to which I am appointed, and the powers in me vested by an act, entitled 'An act for the settlement of the public accounts;' without favor, affection, hatred or malice, according to the best of my judgment and abilities."

[Section VIII.] (Section XVI. P. L.) And be it further enacted by the authority aforesaid, That when any account shall be finally settled, and any judgment shall be rendered by any commissioner pursuant to the directions of this act, which shall not be appealed from as aforesaid, the same, or a transcript thereof shall be signed by the commissioner, and may be filed in any court of common pleas within this state, with the prothonotary of such court, and thereupon an execution shall be issued as on other judgments for the debt or sum of money which has been found to be due, together with costs to be taxed by the said prothonotary), for the service of such process as aforesaid, like to those which are allowed to the sheriff for serving a summons or subpoena, and for the attendance of witnesses [the same] as are allowed in the said court.

[Section IX.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That if the person or persons to be summoned as aforesaid as parties or defendants, by any such commissioner, shall refuse or neglect to appear agreeably to the directions of the said process; or if any of the said commissioners shall deem it necessary in the first instance, such com-

missioner may cause process to issue from any court of common pleas in this state, or out of the supreme court at his election, at the suit of the United States of America, for any debt, demand, sum of money or personal property, which is now due, owing, or belonging, or which shall hereafter be due, or belong to the United States of America, against any such person or persons, or his, her, or their executors, or administrators, or against any person or persons, who have received or hereafter shall receive money from the treasury of the United States of America, or by order of congress, or for [the] use of congress, and who have not rendered, or shall not render an account thereof, and in case a declaration shall be filed with the prothonotary of the court, before the writ be issued, and a copy of such declaration served on the defendant and defendants, or left at his, her or their last place of abode, ten days at least before the return of the said writ, it shall and may be lawful for the said court, and the said court are hereby authorized and required to cause such defendant or defendants to plead to issue, and to proceed to trial and judgment at the court to which such writ shall be returned; and the said court shall not allow of any imparlance, unless where evidence shall be wanted without which the party cannot safely go to trial; which fact, and also of a reasonable endeavor to obtain such evidence, shall be made to appear to the satisfaction of the court by affidavit of the party, or the testimony of a legal witness and in case the writ and declaration in such suit shall be served within the term of ten days as aforesaid, it shall and may be lawful for the justices of the said court to allow of one imparlance and no more, unless evidence be wanted as aforesaid.

[Section X] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said courts shall not allow of any plea to a declaration, in any of the said suits, other than the general issue, unless the same be verified by the affidavit of the party, or otherwise shown to be founded in fact by one credible witness or other legal evidence, and no demurrer to any declaration shall be allowed for want of pursuing the usual forms of declarations in such cases, but it shall be deemed sufficient in all actions upon the case or upon account to allege that

the defendant or defendants in such action was or were indebted to the United States of America in the sum demanded for money had and received to the use of the United States of America, and that payment thereof hath not been made, nor any account rendered for the same.

[Section XI.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the court wherein any suit or action as aforesaid shall be brought, may with the consent of the defendant or defendants; and where an action of account shall be brought and the party shall be legally adjudged a bailiff, receiver or otherwise accountable to the United States of America, the said court may without such consent, appoint auditors, of whom the said commissioner shall always be one, who, or a majority of them, may take, state and settle the accounts of the defendant or defendants, and make report to the court, who may give judgment for such balance, or for such sum of money as shall appear to be due to the United States of America, with costs of suit, and if any balance shall be reported to be due to any defendant or defendants who has or have been negligent in rendering his, her or their account, no costs whatsoever shall be adjudged to him, her or them.

(Section XX, P. L.) And in order that the said court may be the better enabled to discover the truth, and to administer complete justice in the premises:

[Section XII.] Be it further enacted by the authority aforesaid, That it may and shall be lawful for any such commissioner before the trial of any suit or action to exhibit interrogatories to such defendant or defendants, which interrogatories, being approved by the said court in term, time or a quorum of the justices of the said court in the vacation, the court or justices shall thereupon be authorized and empowered to examine him, her or them upon oath or affirmation, as the case may require, as to such matter as shall be in issue or controversy, and to compel such defendant and defendants to answer thereto, either in writing or orally before a jury or the auditors, under the penalty, in case of his, her or their refusal to make answer to the several facts alleged in such interrogatories that the facts not answered as aforesaid shall be taken to be true, and it also may

and shall be lawful for the said court, upon the application of such commissioner to compel such defendant or defendants to produce to the same court, or before the auditors all and singular the books, accounts and original entries of his, her and their office or offices, employment or employments or in case of a suit against any executor or executors, administrator or administrators, to compel such representatives of a deceased officer, or person employed as aforesaid, or any other person having in possession or in his, or her custody or power any such books, accounts and original entries, to produce them to such court and if the said book accounts and entries, or any of them be lost or destroyed, to discover to the court upon oath or affirmation, according to the best of his, her and their knowledge or belief, the time when the place, where, and the manner how the same happened, and the contents thereof as far as they know or believe; on pain of imprisonment till the same be complied with.

[Section XIII.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That after judgment shall be obtained as aforesaid, it shall be lawful to issue execution and the sheriff shall proceed thereon as usual in other cases: And all lands and tenements belonging to any debtor to the United States of America at the time of the commencement of any suit in any of the courts aforesaid or at any time after, shall be liable to such execution in whose hands or possession soever, the said lands or tenements may be found.

[Section XIV.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the space and term of three years from the publication thereof, and from thence to the end of the next session of the general assembly and no longer.

Passed March 20, 1783. Recorded L. B. No. 2, p. 73, etc. See the Act of Assembly passed December 1, 1784, Chapter 1118.

CHAPTER MXXI.

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AN ACT FOR PROVIDING THE QUOTA OF FEDERAL SUPPLIES FOR THE YEAR ONE THOUSAND SEVEN HUNDRED EIGHTY AND THREE, AND FOR THE RELIEF OF THE CITIZENS OF THIS STATE WHO HAVE BECOME CREDITORS OF THE UNITED STATES OF AMERICA BY LOANS OF MONEY OR OTHER MODES OF FURNISHING PUBLIC SUPPLIES.

(Section I, P. L.) Whereas the United States of America in congress assembled by their act of the eighteenth day of October last, have required of the several states in union their respective quotas of the sum of two million of dollars for the service of the year one thousand seven hundred eighty and three, the proportion or quota whereof allotted to and required of this commonwealth is stated at three hundred thousand dollars, which requisition the representatives of the freemen of this state are desirous should be complied with:

(Section II, P. L.) And whereas a great number of the virtuous citizens of this state, from motives of patriotism and zeal in the common cause, and confiding in the public promises and plighted faith of the United States, have advanced large portions of their property by loans and otherwise to the public use at the more early and hazardous periods and gloomy seasons of this great contest for the liberties and independence of the United States:

(Section III, P. L.) And whereas it is highly expedient and proper as well from motives of good policy and a regard to the preservation of public credit as by an act of justice to enable those worthy citizens who have exhausted their substance by loans to the public to pay their proportion of taxes, and thereby to facilitate the collection of the requisite supplies for the current service, which the good citizens of this state are desirous to furnish, that provision be made for the payment of the interest on such of the said debts as are due to the citizens of this

state, until the United States shall be enabled to appropriate adequate funds for that purpose:

(Section IV, P. L.) And whereas the said United States, in congress assembled, did by a certain act on the tenth day of September, one thousand seven hundred and eighty-two, require of the several states to raise their respective quotas of the sum of twelve hundred thousand dollars, for the purpose of paying the interest due on loan-office certificates and other ascertained debts of the United States, the proportion or quota whereof required of this state, is one hundred and eighty thousand dollars:

(Section V, P. L.) And whereas it appears that the said sum of one hundred and eighty thousand dollars will be insufficient to pay one year's interest on the debts due to the citizens of this state who are creditors of the United States to a much larger amount than the quota of this state of the whole of the public debts, and it being the desire of the legislature to raise and appropriate for this purpose, a sum sufficient to pay one years interest on all the ascertained debts due from the United States to the citizens of this state, which it is supposed will require the sum of one hundred and twenty thousand dollars in addition to the one hundred and eighty thousand dollars so required by congress, making in the whole three hundred thousand dollars over and beside the aforesaid three thousand dollars to be raised as the quota of this state for the current service of the year one thousand seven hundred eighty and three. To the end, therefore, that the quota of this state of the supplies required for the service of the year one thousand seven hundred eighty and three may be the more speedily and certainly raised and furnished and the public creditors at the same time receive temporary relief:

[Section I.] (Section VI, P. L.) Be it enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same. That the sum of two hundred and twenty-five thousand pounds, being equal in value to six hundred thousand Spanish milled dollars, shall be assessed, raised and levied, in gold and silver moneys, and in the notes hereinafter mentioned, upon the es-

tates real and personal, and persons, as hereinafter directed, within the city and several counties of this state, by four equal proportions or payments, whereof the first shall be collected and made on or before the first day of July next; the second proportion in three months after the first; and so of the other two proportions; each to be collected and paid three months after the other, so that the whole of the said sum of two hundred and twenty-five thousand pounds shall become due and be levied, collected and paid, within one year from and after the said first day of July next, according to the method and in the proportions following, that is to say,

Upon the estates real and personal and persons within the city and county of Philadelphia, the sum of seventy-four thousand five hundred and forty-three pounds.

Upon the estates real and personal and persons within the county of Bucks, the sum of fourteen thousand seven hundred and forty-four pounds.

Upon the estates real and personal and persons within the county of Chester, the sum of twenty-three thousand six hundred and sixty-eight pounds.

Upon the estates real and personal and persons within the county of Lancaster, the sum of thirty-two thousand and thirty-two pounds.

Upon the estates real and personal and persons within the county of York, the sum of seventeen thousand eight hundred and forty-six pounds.

Upon the estates real and personal and persons within the county of Cumberland, the sum of sixteen thousand seven hundred and seventy-four pounds.

Upon the estates real and personal and persons within the county of Berks, the sum of sixteen thousand one hundred and eleven pounds.

Upon the estates real and personal and persons within the county of Northampton, the sum of nine thousand two hundred and seventy-four pounds.

Upon the estates real and personal and persons within the county of Bedford, the sum of five thousand and eighty-four pounds.

Upon the estates real and personal and persons within the county of Northumberland, the sum of six thousand two hundred and eighty pounds.

Upon the estates real and personal and persons within the county of Westmoreland, the sum of four thousand three hundred and twenty-two pounds.

And upon the estates real and personal and persons within the county of Washington, the sum of four thousand three hundred and twenty-two pounds.

[Section II.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the several directions, authorities and powers, rewards, penalties and sanctions, appeals, remedies and allowances contained in and provided by an act of the general assembly of this commonwealth, passed on the twenty-seventh day of March last, entitled "An act to raise effective supplies for the year one thousand seven hundred and eighty-two,"<sup>1</sup> or the purposes therein set forth (the same being accommodated to the intent and design of this act, by altering the dates in the oaths and affirmations of office thereby directed to the year of our Lord one thousand seven hundred and eighty-three, and otherwise adapting the said act to the purposes of this act) shall be and the same hereby are extended to the raising, levying, collecting and securing the payment of the aforesaid sum of two hundred and twenty-five thousand pounds; and all fines, forfeitures and penalties which may thereby accrue and become due and payable according to the repartition of the taxes aforesaid upon the city and several counties of this state respectively, in manner aforesaid; and the said recited act shall be accordingly applied and enforced to the execution of this act in such manner as to bring into the treasury of this state the taxes directed by this act, except in such cases and instances wherein special provision is made or as in and by this act is otherwise directed.

(Section VIII, P. L.) And whereas it is designed that a sum not exceeding three hundred thousand dollars, part of the taxes by this act to be raised and levied as aforesaid, should be appropriated and paid to the public creditors herein before men-

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<sup>1</sup> Passed March 27, 1782, Chapter 961.

tioned as a temporary relief till more permanent and certain provision can be made for them: And whereas it may improve and hasten such relief and facilitate the payment of the taxes aforesaid, if notes be prepared and issued to the said public creditors, which notes shall be received in payment of the said taxes:

[Section III.] (Section IX, P. L.) Be it enacted by the authority aforesaid. That the treasurer of this state be authorized and empowered and he is hereby authorized, empowered and directed to prepare at the public expense notes respectively payable to the bearer thereof to the amount of three hundred thousand dollars of the following denominations; that is to say,

Five thousand and sixty-three notes of twenty dollars each.  
Five thousand and sixty-three notes of fifteen dollars each.  
Five thousand and sixty-four notes of twelve dollars each.  
Five thousand and sixty-three notes of six dollars each.  
Five thousand and sixty-four notes of three dollars each.  
Five thousand and sixty-four notes of two dollars each.  
Five thousand and sixty-three notes of one dollar each.  
Five thousand and sixty-four notes of one quarter dollar each.

Which notes shall be printed in such form and with such devices and checks as the said treasurer shall devise and the president or vice-president and council shall approve; and the said notes of each denomination shall be numbered from number one progressively and shall be signed by the said treasurer, and by him delivered to Thomas Smith, esquire, continental loan-officer for this state at such times and in such quantities as the president or vice president by warrant under his hand in council shall from time to time direct, which warrant shall be registered in the office of the comptroller-general of this state; and thereupon the said loan-officer shall become answerable for the sum mentioned in every such warrant; and the said loan-officer, previous to his issuing or paying away the said notes in manner herein after directed, shall countersign each and every note he shall issue or pay.

[Section IV.] (Section X, P. L.) And be it further enacted and declared by the authority aforesaid, That it shall and may be lawful for the said loan-officer to pay, with and out of such notes

as aforesaid, the lawful interest for one year on all such certificates of moneys loaned to the United States, or other certificates of debts due from the United States, liquidated, ascertained and certified, according to the directions of the United States in congress assembled (other than certificates for pay or other personal demands of officers, civil or military, or of soldiers or seamen) as shall be demanded by the holders or possessors of the said certificates, and such payment shall be endorsed thereon; provided that such certificates as aforesaid were originally issued from the loan-office of this state, or given or granted for articles furnished or services done and performed by the citizens of this state, except as before excepted and in the name and for the use of any person or persons who at the time of such issuing was or were, or since have been a citizen or citizens of this state and actually resident within the same, or in the name or for the use of a body politic or corporate within this state; and provided also that there be the interest for one year at least due thereon, and if any difficulty shall arise in determining whether the person holding or possessing any such certificate shall be entitled to receive the interest thereon within the meaning of this act, it shall be incumbent on the claimant to produce the proof necessary to establish the claim, and if the evidence offered by the claimant be not sufficient to satisfy the said loan-officer, the same shall be referred to the president or vice-president in council, whose determination and order thereon shall be conclusive.

(Section XI, P. L.) And whereas the principal sum mentioned in the said certificates, or some of them, may be described in continental money:

[Section V.] Be it enacted by the authority aforesaid, That the value thereof in specie shall be computed and ascertained according to the directions of the United States in congress assembled, in and by their act of the twenty-eighth day of June in the year of our Lord one thousand seven hundred and eighty. And to the end that a fair and proper account may be kept of all the moneys paid for interest by virtue of this act, and that this state may have proper credit therefor with the United States, the said loan officer is hereby directed to keep a fair and exact

account of such payments as he shall make in which shall be specified the date and number of the certificate on which payment shall be made, the amount of the principal sum mentioned therein, and the name of the person to whom it was issued, as well as the sum paid thereon, and shall take receipts from the persons to whom the moneys shall be paid as vouchers for the said account; and on producing such account and vouchers and the same being approved and allowed by the comptroller-general of this state, it shall be admitted in discharge for the amount thereof of the notes he shall have received from the treasury as aforesaid. And if any of the said notes shall remain in his hands on the first day of July which will be in the year of our Lord one thousand seven hundred and eighty-four, the said loan-officer may pay them into the hands of the treasurer of this state, taking his receipt therefor, the amount of which shall be allowed him in discharge of the residue of the said notes which shall as aforesaid have been delivered to him:

(Section XII. P. L.) And to the end that the payment of the said notes for interest may the more certainly answer the good purposes hereby intended,

[Section VI.] Be it enacted by the authority aforesaid, That it shall and may be lawful to and for each and every person on whom the taxes to be raised by virtue of this act shall be levied, or from whom the same or any part thereof shall be demanded, to pay any part not exceeding one-half thereof in the said notes signed by the treasurer and countersigned by the loan-officer as aforesaid, and the said notes are hereby declared to be a legal tender in the payment of any such proportion of the said tax, or of the said proportion of any one of the quarterly payments thereof herein directed to be made; provided that the said residue of such tax, or of the quarterly payment thereof then due, be tendered or offered to be paid at the same time in gold or silver money; and the collectors of taxes, and all others whom it may concern, are hereby empowered and directed to receive the said notes in payment accordingly.

(Section XIII. P. L.) And to the end that the moneys hereby intended to be raised may be faithfully appropriated and applied to the purposes hereby intended, as speedily as possible:

[Section VII.] Be it enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of this state, when and as often as any moneys to be levied and raised by virtue of this act shall be paid into his hands, to divide the same into equal moieties or half parts and to pay one of the said moieties to the treasurer of the United States, or to such other person or persons as shall be duly authorized by the said United States to receive the same for their use, and the receipt of the said treasurer, or other person authorized as aforesaid, shall be a sufficient voucher to the treasurer of this state for such payment and payments; and the other moiety of the said moneys, in which shall be included all the said notes which shall have been paid in for taxes as aforesaid, shall be disposed in the following manner; that is to say, such of the said notes as shall be paid in as aforesaid shall be by the said treasurer marked, by punching or piercing a hole, not less than the size of one-eighth of a dollar, through some part or each note near the center thereof; and the quantity of such notes in the treasury at the commencement of each session of the general assembly shall be reported to the house by the treasurer, to be cancelled and destroyed in such manner as the house shall direct, until the whole shall have been destroyed. And such gold and silver money as shall belong to this moiety of the taxes as aforesaid, shall be given in exchange for such notes by the said treasurer to such person and persons as shall apply for the same at any time after the last payment of the taxes hereby directed to be raised shall have become due; and if at the end of six months after the said time any such money shall remain in the treasury unapplied for in exchange for such notes, it shall be lawful for the treasurer to pay the same or any part thereof to the aforesaid loan-officer on his producing such warrant as aforesaid, to be applied to the payment of such interest due in manner aforesaid as may remain unpaid; provided that not more than one year's interest be paid on any one debt or certificate by virtue of this act.

[Section VIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That all fines and penalties imposed and made recoverable by this act, other than such as are other-

wise specially appropriated by the act herein before recited and referred to, shall be paid in gold or silver money, and applied towards defraying the extraordinary expenses and charges of executing this act. And that the treasurer of this state shall be allowed and paid for his labor and trouble in numbering and signing the said notes two shillings for every hundred thereof; and that the said loan-officer shall be allowed and paid for his labor and trouble in countersigning and issuing the said notes and accounting for the same in the manner herein directed, at the rate of four shillings and six pence for every hundred notes he shall so sign, issue and account for, over and besides the allowance he is entitled to receive from the United States for the payment of the interest on loans; which payment to the said loan-officer is to be made by the treasurer on a warrant to be produced under the hand of the president or vice-president in council, and entered in the office of the comptroller-general. And the treasurer of this state and the loan-officer aforesaid shall be, and they are hereby severally made accountable to the general assembly for all moneys and notes which shall come to their hands respectively by virtue of this act, and for all other transactions under the same and shall at all proper times and seasons submit their books, papers and accounts, relative thereto, to the inspection and examination of the president or vice-president in council, or to such persons as they shall appoint to inspect the same.

[Section IX.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit any one or more of the notes directed to be emitted by this act, by printing or procuring the same to be printed in the likeness and similitude of the said genuine notes; and also if any person or persons shall forge the name or names of the said treasurer or loan-officer, or either of them, to such counterfeit notes, whether the counterfeiting the said notes or names be done within this state or elsewhere, or shall utter such note, knowing it to be counterfeit as aforesaid, and shall be thereof legally convicted in any court of oyer and terminer within this state, he or they so offending shall suffer death without benefit of clergy.

(Section XVI, P. L.) And if any person or persons shall counterfeit any of the said notes by altering the denomination thereof with design to increase the value of such notes, or shall utter the same knowing them to be so counterfeited or altered as aforesaid, and shall be thereof legally convicted in any court of record in this state, such person or persons shall be sentenced to the pillory, and have both his or her ears cut off and nailed to the pillory, and be publicly whipped on his or her bare back with thirty-nine lashes well laid on; and moreover, every such offender shall forfeit the sum of two thousand pounds, lawful money of Pennsylvania, to be levied on his or her lands and tenements, goods and chattels, the one moiety to the use of the state and the other moiety to the discoverer.

[Section X.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That every single freeman who at the time of assessing the tax imposed by this act shall be of the age of twenty-one years or upwards, and shall be out of his apprenticeship six months, shall pay a sum not exceeding four pounds and not under the sum of twenty shillings over and above the sum to be levied on the estate of such single freeman by virtue of this act, anything in any law heretofore made to the contrary in anywise notwithstanding.

(Section XVIII, P. L.) And whereas the United States in congress assembled by their resolve of the seventeenth of February last did require the legislature of each state to take such measures as shall appear to them most effectual for obtaining a just and accurate account of the quantity of land in such state granted to or surveyed for any person, the number of buildings thereon distinguishing dwelling houses from other buildings, and the number of its inhabitants distinguishing white from black, and cause the said account to be transmitted and delivered to congress on or before the first day of March one thousand seven hundred and eighty-four.

[Section XI.] (Section XIX, P. L.) Be it therefore enacted by the authority aforesaid, That the commissioners of the city and county of Philadelphia and of every county of this state shall in their warrants to the township, ward or district assessors of their respective counties, direct the said assessors to

make a full and true return of the several quantities of land in the district or township, granted to, or surveyed for any person, the number of buildings thereon, distinguishing dwelling houses from other buildings, and the number of its inhabitants, distinguishing white from black, and the said commissioners shall cause the said returns to be transmitted to the general assembly of this state on or before the first day of November next ensuing the date hereof.

Passed March 21, 1783. Recorded L. B. No. 2, p. 79, etc. See the Acts of Assembly passed September 25, 1783, Chapter 1052; April 5, 1785, Chapter 1161; March 8, 1786, Chapter 1209.

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## CHAPTER MXXII.

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A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA,"<sup>1</sup> AND TO REPEAL THE ACT, ENTITLED "A SUPPLEMENT TO THE ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA."<sup>2</sup>

(Section I, P. L.) Whereas it is conceived that the act of general assembly entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania," passed the twentieth day of March, in the year of our Lord one thousand seven hundred and eighty,<sup>1</sup> may be improved, by the abolition of the office of sub-lieutenants of the city and counties, by appropriating the fines, and ascertaining the pay of the militia, and by altering the days of mustering and other alterations herein-after mentioned:

[Section I.] (Section 11, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the first day of April next the office of sub-lieutenant of the city of Philadelphia and the several counties of this state shall be and the same is

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<sup>1</sup> Passed March 20, 1780, Chapter 902.

<sup>2</sup> Passed September 22, 1780, Chapter 916.

hereby vacated and abolished, and the lieutenants of the said city and counties respectively shall do, exercise and perform, all and singular the duties, matters and things required by the act aforesaid to be done and performed by the sub-lieutenants, excepting as is hereinafter directed.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the lieutenants of the city and counties aforesaid shall each of them have and receive the sum of twelve shillings and six pence and no more for every day they shall be actually employed in doing and performing the respective duties required by this act and the act to which this is a supplement.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons do think him or themselves aggrieved by anything done in pursuance of the act of assembly aforesaid in order that he or they may have their grievances redressed, the lieutenants of the city of Philadelphia and of the several counties shall forthwith after the marching of the militia proceed to superintend the appeals from day to day, Saturdays and Sundays only excepted, and the lieutenant shall transmit his orders, specifying the time and place of meeting of the several appeals to the lieutenant-colonel of commanding officers of each battalion within this jurisdiction, without delay, who shall forthwith send the same, by the adjutant of such battalion, or by some other fit person, to the several captains or commanding officers of companies within the district thereof, as speedily as may be; and the said captains or commanding officers of companies shall thereupon notify the same to every person enrolled in their several companies in the manner and within the time prescribed by the aforesaid act.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That hereafter the captain or commanding officer of the company in which a substitute shall serve, shall have the sole and exclusive power of determining on the abilities and fitness of such substitute; and the lieutenant of the city and each county hereafter shall appoint two honest

and skilful freeholders to appraise, on oath or affirmation, the horses and accoutrements of persons serving as light horse.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the several and respective officers, who shall hereafter be elected or appointed, agreeable to the aforesaid act, shall serve respectively as officers of the militia for and during the term of three years; and in case of death, resignation or cashiering by a court-martial, the vacancy shall be supplied by election in the same manner as the officers were first elected by the aforesaid act, any law, custom or usage to the contrary notwithstanding.

(Section VII, P. L.) Provided always, That any officer cashiered shall not be capable of being re-elected.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That no person shall be capable of electing officers or to be elected, who has not taken an oath or affirmation of allegiance, according to law, to this or some one of the United States; anything in the act to which this a further supplement to the contrary notwithstanding, young men who have arrived to the age of eighteen years since the time limited by law for taking the oath or affirmation of allegiance as aforesaid, and all such who have mustered or performed a tour of militia duty excepted.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the returns hereafter to be made, by the captains or commanding officers of companies, of the delinquents on all days of exercise, together with the fines by them received from any such delinquents, shall be upon oath or affirmation.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act the whole of the militia of this state shall be subject to be exercised in companies, under their respective officers, as followeth, that is to say; in the city of Philadelphia and districts annexed, in companies, on the two last Mondays in the month of April; and the first battalion, in battalion, on the first Monday in the month of May; the second battalion on the Tuesday following; the third battalion on the Wednesday; and so

on, according to their numerical rank, on every day of the week Saturday and Sunday excepted until the whole number of battalions shall have mustered in the aforesaid manner; and in autumn or fall season of the year, shall meet to exercise in companies, the two first Mondays in the month of September; and the first battalion, in battalion, on the third Monday of the said month; the second battalion on the Tuesday following; the third battalion on the Wednesday; and in this manner until the whole number of battalions have mustered, except as before excepted, and in each and every county in the following manner, that is to say; in companies, the two last Mondays in the month of April; and in battalion, in the following manner, to wit: The first battalion shall meet, in battalion, on the first Monday in the month of May; the second battalion on the Tuesday following; the third battalion on the Wednesday; and so on, according to the days of the week (Saturday and Sunday excepted) until the whole number of battalions belonging to each county shall have mustered in this manner, and in companies, the first and second Mondays in the month of October; and the first battalion, in battalion, on the next succeeding Monday; the second battalion on the Tuesday following; the third on the Wednesday, and in this manner until the whole number of battalions belonging to each county, according to their ranks, severally shall have mustered on any day it may happen, except as before is excepted; and the militia shall be and is hereby indemnified and excused from mustering on any other days than those enumerated in this act.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if any commissioned officer shall neglect or refuse to attend on any of the days appointed for exercise in company as aforesaid (unless prevented by sickness, or some other unavoidable accident) such commissioned officer shall forfeit and pay the sum of ten shillings, and any non-commissioned officer or private, and all enrolled persons so refusing or neglecting (except as before excepted) shall forfeit and pay the sum of five shillings, and upon a battalion day, a field officer who shall neglect or refuse to attend shall forfeit and pay the sum of forty shillings, and every other officer, non-

commissioned officer or private and all enrolled persons, refusing to meet and exercise on battalion days, shall forfeit and pay double the fines or forfeitures they may incur for non-attendance on company days, as aforesaid, except as before excepted.

[Section X.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the fines incurred by any person for non-attendance on muster-days, from and after the first day of April next, shall be, and they are hereby appropriated for the purchasing of arms and accoutrements for such persons enrolled in the militia of the city and counties respectively as shall be unable to purchase for themselves; and that the arms and accoutrements so purchased, from time to time, be distributed by the lieutenants equally amongst the several battalions, the commanding officers' whereof shall cause the same to be deposited in some suitable place or places within the district of such battalion, for the use aforesaid, and shall be responsible to the lieutenants for their safe keeping.

[Section XI.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if any persons, who may have acted in the office of lieutenant or sub-lieutenant of the city of Philadelphia or any of the counties of this state, shall, upon the resignation of his office or being legally superseded therein, refuse to deliver up to his successor in office or to any person who is or shall be appointed by the president or vice-president in council to receive the same, all and singular the books, duplicates, returns or other papers belonging to or in use in the said office (demand being made thereof in writing) he or they, so offending, shall forfeit the sum of five hundred pounds and the necessary costs of prosecution, for every such refusal, to be recovered by his said successor in office, or other person duly authorized as aforesaid, upon indictment, bill, plaint or information, or by action of debt, in any court of record within this state, to be applied as other militia fines are directed by the law, to which this is a supplement; and in case of a second refusal, such person shall suffer as well the said penalty, as the further punishment of six months imprisonment without bail or

mainprize; and the justices of the court where such penalty shall be recovered shall order the said commitment accordingly.

[Section XIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the commanding officers of the respective battalions shall attend at the place of rendezvous of the marching class or classes, and the commanding officers of the marching class or classes are hereby required then and there to deliver to the commanding officer of the battalion, a muster roll of all those who attend and proceed to perform their then required tour of duty under the penalty of fifty pounds; which return or muster roll shall be transmitted by the said commanding officer of the battalion within five days after marching, under the penalty of one hundred pounds, to the lieutenant of the city or county to which they belong; and the said lieutenant shall, after the appeals are ended, without delay, make out fair duplicates in writing of the fines incurred in each battalion, and shall deliver the same to the respective collectors of the supply taxes for the time being in each township, ward or district, who are hereby authorized and enjoined to levy and receive from each and every person the sum annexed to his name; and the said collectors shall be entitled to the like reward as the sheriff heretofore by virtue of the aforesaid act; and the moneys so collected shall be paid by the respective collectors to the treasurer of the county within which they inhabit, under the penalty of five hundred pounds, and by him to the treasurer of the state, to be by him kept apart, as a fund towards paying the militia, to which purpose the same is hereby appropriated, and to no other use whatsoever; but the militia of any county shall not be entitled to draw on the state treasury for more money, than has been paid into the same by the treasurer of the county to which the militia applying belong, until the fines arising from the delinquency of such county shall be paid into the state treasury as aforesaid.

[Section XIII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That when the militia or any detachment thereof are called out on duty, each officer, non-commissioned officer and private shall receive pay equal to the pay allowed to officers, non-commissioned officers and privates in the

continental army, and no more; and that every person refusing or neglecting to perform his tour of duty shall pay ten pounds ten shillings for every such neglect or refusal.

(Section XVI, P. L.) And whereas it is just and reasonable that those who have considerable property should pay for the protection of that property when they do not give their service in facing danger in the field or bearing any of the necessary fatigues attending a military life, and to compel all persons to give their personal service or some equivalent therefor in some proportion to such property:

[Section XIV.] (Section XVII, P. L.) Be it therefore enacted by the authority aforesaid, That all and every person and persons who are in and by the act, to which this is a supplement required to perform a tour of duty, and have an estate, shall pay for neglecting to perform the said tour of duty, in addition to the sum fixed as aforesaid, a sum equal to one-fifth part of the amount of the sum he is rated and to pay on all his rateable property and occupation in the manner directed to be ascertained by the act for raising supplies for the year one thousand seven hundred and eighty-three, and as may be directed to be taken by every yearly or other state tax in future.

(Section XVIII, P. L.) Provided always, That the forty-third and forty-fourth sections of the act to which this a supplement, be, and the same are hereby repealed and made void.

[Section XV.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That so much of the act for regulating the militia of this commonwealth as is herein altered and amended, be and the same is hereby repealed; and also that the act, entitled "A supplement to the act entitled 'An act for the regulation of the militia of the commonwealth of Pennsylvania,'"<sup>1</sup> passed on the twenty-second day of September, which was in the year of our Lord one thousand seven hundred and eighty, is hereby repealed, made null and void.

Passed March 21, 1783. Recorded L. B. No. 2, p. 87, etc. Repealed by the Acts of Assembly passed December 9, 1783, Chapter 1061; March 22, 1788, Chapter 1339; April 11, 1793, Chapter 1696.

<sup>1</sup> Passed September 22, 1780, Chapter 916.

CHAPTER MXXIII.

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AN ACT PREVENTING VEXATIOUS PROSECUTIONS AND SUITS AGAINST SUCH AS ACTED IN THIS STATE FOR THE DEFENCE OF THE LIBERTIES OF AMERICA.

(Section I, P. L.) Whereas divers virtuous citizens of this state and other good people well affected to their country at an early period of the present war with Great Britain for the liberties and independence of the United States of America, have, at the risk of their lives and fortunes, acted in conformity to and carried into execution several resolutions, recommendation, votes and orders of congress, and of the assemblies, conventions, com-mittees, and other public bodies within this state, and also as civil and military officers, and in obedience to them, though perhaps in some cases not sufficiently authorized thereunto; in which proceedings some force and violence, and defect of form, was unavoidable, which in a time of peace and common safety would not have been warrantable; and also since the declaration of independence and the establishment of the present government, by reason of the wars and troubles raised and occasioned by our foreign and domestic enemies, divers like matters and things have been acted and done, all which were necessary and allowable in regard of the exigence of public affairs, and ought to be justified, and the parties concerned therein indemnified; nevertheless some persons ill affected to the present happy government and the safety and welfare of their country have commenced and prosecuted and threaten to commence and prosecute actions and suits against the good citizens for and by reason of their actings and doings aforesaid:

Therefore, for the preventing the troubles and charges which the said virtuous citizens might be put to by means of such vexatious suits and prosecutions and for their indemnity in the premises:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That all personal actions, suits, indictments, informations, and all other prosecutions whatsoever, for or by reason of any act, matter or thing, done or performed by any assembly, convention, committee or other public body within this state, or in obedience to any ordinance, vote, resolution, recommendation, order or advice of congress, or of any of the assemblies, conventions, committees or other public bodies aforesaid, or of any commanding officer, civil or military or otherwise, for or by reason of the premises, be and are hereby discharged and made void: And if any action or suit hereby declared to be discharged, hath been or shall be commenced or prosecuted, every person so sued may plead the general issue and give this act and the special matter in evidence; and if the plaintiff shall become non-suit, or forbear further prosecution, or suffer discontinuance, or if a verdict or judgment pass against him, the said defendant shall recover treble costs, for which he shall have the like remedy as in cases where costs by law are given to defendants; and the said plaintiff or prosecutor shall moreover forfeit and pay the fine [of] ten pounds to the use of the county where the said defendant shall be arrested or sued, to be recovered as aforesaid in the name of the said defendant.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That this act and the general sentences and words before mentioned shall be reputed, taken, expounded and adjudged in all courts and elsewhere, most beneficial and available to all and singular the good people who may be sued for or by reason of any act or thing done or performed as aforesaid.

Passed March 21, 1783. Recorded L. B. No. 2, p. 92.

## CHAPTER MXXIV.

AN ACT TO APPROPRIATE CERTAIN MONEY'S ARISING FROM THE EXCISE FOR THE PAYMENT OF THE ANNUAL INTEREST DUE ON UNALIENATED CERTIFICATES THEREIN MENTIONED.

(Section I, P. L.) Whereas it hath been found by experience that the act, entitled "An act to settle and adjust the accounts of the troops of this state in the service of the United States, and for other purposes therein mentioned,"<sup>1</sup> and the several supplements thereto have not answered all the good purposes thereby intended, and in as much as the funds established for the redemption of the certificates granted for the depreciation of pay by the act and supplements aforesaid have not proved sufficiently productive:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That in addition to the funds provided by the said act, the moneys arising from the duty of excise of this state shall be and hereby are appropriated for the payment of the annual interest which hath accrued since the tenth day of April in the year of our Lord one thousand seven hundred and eighty-one, or which may accrue hereafter upon all such certificates aforesaid as shall remain unalienated and not transferred from the original possessors to whom they have been issued, or their heirs, executors or administrators; which appropriation of said excise shall be and continue a permanent fund for the purposes aforesaid until means shall be provided for the payment of the principal sums specified in said certificates respectively.

(Section III, P. L.) Provided always, That nothing in this act shall be deemed, taken or construed to prevent the appropriation of the residue of the moneys arising from the said excise, after

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<sup>1</sup> Passed December 18, 1780, Chapter 920.

the payment of the annual interest aforesaid, to such other purposes as may appear necessary.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all and every of the persons who shall claim the benefits and privileges of this act shall, previous to his, her or their receiving the same, apply to the comptroller-general of this state, who is hereby authorized and required to administer the following oath or affirmation to each of them respectively: "I, A. B. do swear, or solemnly, sincerely and truly declare and affirm) that the certificate by me now produced in order to receive one year's interest due there upon, was never bartered, sold, or otherwise alienated by me, or by any other person or persons for me, nor any part thereof." And the said comptroller-general is hereby authorized to examine witnesses upon oath or affirmation touching any alienation of the said certificates; and if it shall appear to him by such oath or affirmation, or examination of witnesses as aforesaid, that he, she or they have never altered the property of the said certificates by any alienation thereof, then, and in such case, but not otherwise, he shall from and after the tenth day of April next, and so on from and after the tenth day of April in each and every succeeding year report the names of all and every person or persons so applying to the supreme executive council, who are hereby authorized to draw orders on the treasurer of this state, payable to the persons respectively, or their order, for the amount of one year's interest due upon their respective certificates; which order so drawn, the treasurer aforesaid is hereby directed to pay out of the moneys he shall from time to time receive on account of the excise of this state.

Passed March 21, 1783. Recorded L. B. No. 2, p. 93, etc. See the Acts of Assembly passed September 20, 1783, Chapter 1036; March 1, 1786, Chapter 1788; March 25, 1786, Chapter 1219.

## CHAPTER MXXV.

AN ACT TO REPEAL PART OF AN ACT OF THE ASSEMBLY OF THE LATE PROVINCE OF PENNSYLVANIA, ENTITLED "AN ACT DECLARING THE RIVER SUSQUEHANNA AND OTHER STREAMS THEREIN MENTIONED, PUBLIC HIGHWAYS, FOR IMPROVING THE NAVIGATION OF THE SAID RIVER AND STREAMS AND PRESERVING THE FISH IN THE SAME."<sup>1</sup>

(Section I, P. L.) Whereas John Wilt of the county of Bedford did by petition to the late house of assembly of this commonwealth set forth, that great benefit and utility would accrue to the majority of the inhabitants of the said county from erecting a fulling-mill about two miles below the town of Bedford in said county, on the Ray's town branch of the river Juniata, and in consideration thereof prayed that an act might be passed to permit him the said John Wilt to erect a mill as aforesaid:

(Section II, P. L.) And whereas the said house of assembly did, on the twenty-third day of November in the year one thousand seven hundred and eighty-one, give leave to the said John Wilt to bring in a bill agreeable to the prayer of his said petition, having first advertised in the county of Bedford his intentions so to do; and whereas it appears by the petition of the said John Wilt, and a certificate produced therewith to this house, that he hath complied with the above mentioned order:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That so much of the aforesaid act, entitled "An act declaring the river Susquehanna, and other streams therein mentioned, public highways, for improving the navigation of the said river and streams, and preserving the fish in the same," as declares the Ray's town branch of Juniata from the lower end or limits of the said John Wilt,

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<sup>1</sup> Passed March 9, 1771, Chapter 627.

his plantation up to the said town of Bedford, to be a public highway, shall be and the same is hereby repealed and made void, anything in the act above mentioned to the contrary notwithstanding.

Passed March 21, 1783. Recorded L. B. No. 2, p. 95, etc.

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## CHAPTER MXXVI.

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### AN ACT FOR BUILDING MARKET HOUSES AND KEEPING A PUBLIC MARKET, ON BOTH SIDES OF CALLOWHILL STREET AND NEW MARKET STREET, IN THE NORTHERN LIBERTIES OF THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas the late proprietaries of Pennsylvania, at the laying out and surveying a number of town lots at a place called Callowhill, between Front and Second streets in the Northern Liberties of the city of Philadelphia, did, for the encouragement of the people who would build on and improve these and other lots of land in the neighborhood thereof, leave open and design for a public market an oblong piece of ground northward and southward one hundred and thirty feet, and eastward and westward two hundred and ten feet, crossed in its middle by two streets, one running eastward and westward called Callowhill street the other northward and southward called New Market street, each of the said streets being of the breadth of fifty feet, and intersecting one another.

(Section II, P. L.) And whereas a considerable number of the same lots, and of lots in the adjacent suburbs, particularly towards the Delaware, have been built over or otherwise improved, ship building, commerce and other business and occupations are carried on above and below the said market-place, and by establishing the new ferry at the wharf of Callowhill street, these parts of the town are much resorted to by the people of New Jersey and others; and a great number of the free-holders and inhabitants of the upper part of the city of Philadelphia and of the Northern Liberties thereof, have, by their

petition, represented to the general assembly of this commonwealth that they labor under many difficulties by reason of their distance from the public market kept in the city; that the aforesaid Callowhill market-place is very convenient for the accommodation of the house-keepers in that district; and have offered to build stalls by subscription, without any charge to the public; and that after all costs of the buildings are paid and satisfied, all the profits and income of the said market shall be appropriated to the benefit of the Northern Liberties, and have humbly prayed this house to pass a law for that purpose.

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act the aforesaid oblong shall be and remain and it is hereby declared to be and remain forever a public market-place for the buying and selling of all sorts of provisions, victuals and things of the country produce and manufacture, on every day of the week except Sunday, and that all manner of persons shall have liberty to expose to sale their country produce on such stalls, booths or other stands as shall be assigned to them by the clerk of the market within or near the said market-place, they paying a reasonable toll or such as is accustomed to be taken in the city of Philadelphia.

(Section IV, P. L.) And in order that the said market may be built and the moneys necessary for the doing of it raised and collected.

[Section II.] Be it further enacted by the authority aforesaid, That Isaac Coats, David Rose, George Forepaugh, George Leib, Peter Brown and John Britton shall be superintendents of the said market, and shall have power to take subscriptions in the way either of loan or donation, for the building market houses, and for paving New Market street, from Cable lane as far as Margaretta street, and the said Callowhill street from Second street to Front street; for purchasing or making moveable booths or stands, copper or brass standards of weights and measures, and other things necessary for the keeping a market; and in order that such subscription moneys may be actually paid when oc-

casion shall be to employ the same for the purposes aforesaid, each subscriber shall give a promissory note, under his hand and seal, to the treasurer, payable on a certain day or days, or on demand either in one entire payment, or by installments; and such promissory notes, be it loan or donation, if attested by two credible witnesses, shall have the same force and be to the same effect in law, as promissory notes given and obtained and profits of the said market at every distribution of the said income for a valuable consideration: And the said superintendents shall appoint a treasurer, either of their own number or another of the inhabitants of the Northern Liberties, for whom they shall be answerable to the rest of the subscribers, but may take such securities of him as to them shall seem meet. And the said treasurer shall, upon receipt of any subscription money give a certificate attested by two of the said superintendents to the person who paid the same expressing therein whether it be his donation or loan, and to the lenders, that the principal sum lent, and the interest thereof, at the rate of six per centum per annum from the time of actual payment, is to be paid out of the income to be made annually among the said lenders; which certificates shall be assignable in like manner as bonds and promissory notes are made assignable by law.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful to and for the said Isaac Coats, David Rose, George Forepaugh, George Leib, Peter Brown and John Britton, or any four of them, for and out of the moneys subscribed and paid, to build, at the intersection of Callowhill and New Market streets, either at one and the same time or successively, as the moneys shall come into their hands, four separate market houses of brick, well covered with cedar shingles or tiles, in the four corners formed by the said two streets, each of the said market houses upon the lines of Callowhill street to be in length eastward and westward fifty-five feet, and in breath northward and southward upon the lines of New Market street eighteen feet, with as many distinct stalls in the same as they shall think proper, leaving an area of fifty feet square for the free passage over the said streets, and a passage at least twenty feet wide between each market

house, and the houses and lots on the north and south sides of the market square, to set up lamps at and about the said market houses, to pave the middle of the said two streets next to the lines of gutters on both sides of the streets, so as the same are or shall be fixed by the regulators of the Northern Liberties, and purchase and keep movable booths or stands, to be used on great market days when the brick stalls shall not be sufficient to contain all that is brought to this market; that it shall be lawful for the freeholders and inhabitants of the Northern Liberties of the city of Philadelphia, annually, until all the moneys borrowed on certificates shall be fully paid, at the time and place for electing supervisors of the highway, then and there to choose by ballot six superintendents of the said Callowhill market, and also one clerk of the said market, who shall make assay of weights and measures in the said market, and elsewhere in the Northern Liberties, and do and perform all things belonging to the office of a clerk of the market within the said township.

(Section VI, P. L.) Provided always, That if the said Callowhill market shall be ready to be opened before the third Saturday of March next, then Jeremiah Baker shall be the clerk of the market until that day; and that the said Isaac Coats, David Rose, George Forepaugh, George Leib, Peter Brown and John Britton shall continue in the office of superintendents until the third Saturday of March, one thousand seven hundred and eighty-five, unless any one or more of them should in the meantime die, resign or remove from the township, who shall be replaced on the township's election day next after such death, resignation or removal: And whenever the said four market houses shall be built, Callowhill street and New Market street paved, and all the lenders of money on certificates be fully paid and satisfied, then and from thenceforth no more than two superintendents, a clerk of the market, and one treasurer, shall be annually elected as aforesaid.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the fees of the clerk of the said Callowhill market shall be the same as the fees of the clerk of the market for the city of Philadelphia now are by custom,

until the same shall be regulated and set by act of assembly. And that the said superintendents shall annually, on the same day when the supervisors of the highways render their accounts to the justices of the quarter sessions of the peace for the county of Philadelphia, exhibit to the said justices a fair and true account of all the donations and loans received, and of the costs and expenses of buildings and incidental charges, and of the income and profits of the said market, and how much of the money lent on certificates hath been paid to the lenders, which account shall be filed in the office of the clerk of the sessions, and be free to the inspection of all persons whom it may concern; and that from and after the liquidation of all sums of money, principal and interest lent on certificates, the clear incomes and profits of the said market shall be employed towards paving the most improved parts of the Northern Liberties, nearest the said market, and repairing the roads and highways in the said Northern Liberties.

Passed September 6, 1783. Recorded L. B. No. 2, p. 98, etc. See the Act of Assembly passed August 31, 1785. Chapter 1170.

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## CHAPTER MXXVII.

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### AN ACT TO RE-ESTABLISH THE CORPORATION OF THE JULIANA LIBRARY COMPANY IN LANCASTER, IN THE COUNTY OF LANCASTER.

(Section I, P. L.) Whereas it hath been made appear to the legislature of this state that the late proprietaries of Pennsylvania by their charter under the great seal of the late province bearing date the twenty-second day of October, one thousand seven hundred and sixty-three, did, upon the application of sundry reputable inhabitants of the county of Lancaster, incorporate them by the name of the Juliana Library Company in Lancaster; in pursuance whereof elections of directors, treasurer and librarian have been duly held on the fifteenth day of September annually until the Declaration of Independence, and

a number of by-laws have been passed for the well governing and ordering of the affairs of the said company:

(Section II, P. L.) And whereas the members of the said company have, since the Declaration of Independence, ceased to hold elections and discontinued further proceedings under their charter, inasmuch as it derived its existence from the authority of the crown of Great Britain and have humbly prayed the legislature, by the petition of the late surviving directors of the said company to restore to them all the rights, liberties, powers and privileges, by them held under their former charter and establish their estate and interest in the property by them acquired or purchased under the same:

(Section III, P. L.) And whereas it is highly evident that the advancement of knowledge and useful learning is peculiarly important to the well being of governments formed on democratical principles:

[Section I.] (Section IV, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all the rights, liberties, powers and privileges, in and by the before mentioned charter to the former members of the Juliana Library Company in Lancaster granted, shall be and are hereby to the present members thereof restored, to the same effect as if such rights, liberties, powers and privileges, in the same charter granted were in and by this act enumerated and repeated; and that all the estate and interest in goods and chattels heretofore by the said corporation under their said charter purchased or acquired, shall be and remain the estate and property of the said company; and that all contracts made by the said corporation with any person or persons whatsoever shall be binding upon the several parties to all intents and purposes as if the same corporation had subsisted without interruption, any law or usage to the contrary in anywise notwithstanding.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act and until the fifteenth day of September next, the day of annual election fixed by the said charter, William Augustus

Atlee, Jasper Yeates, William Bausman, Bernhard Hubley, John Hopson, John Hubley, William Henry, John Craig, Matthias Slough, Sebastin Graff and James Burd, shall be directors, Paul Weitzell, treasurer, and John Henry, librarian of the said library company, and that the name of the company by which they were heretofore incorporated shall be continued.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That so much of the proviso in the aforesaid charter as restrains the laws, ordinances, statutes and constitutions of the said corporation that they be not repugnant or contrary to the laws of England, be and the same is hereby repealed.

[Section IV.] (Section VII, P. L.) Provided always, That the rules, by-laws and ordinances of the said corporation shall not be repugnant to the laws of this Commonwealth.

Passed September 6, 1782. Recorded L. B. No. 2, p. 103, etc.

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## CHAPTER MXXVIII.

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### AN ACT TO ENCOURAGE THE SPEEDY APPREHENDING AND BRINGING TO JUSTICE DIVERS ROBBERS, BURGLARS AND FELONS.

·(Section I, P. L.) Whereas Caleb Paul, John Paul, Robert Steel, Aaron Doane, Mahlon Doane, Edward Connard, Henry Connard, Jeremiah Cooper, Amos White, Joseph Doane, Abraham Doane, Levi Doane and George Sinclare, have been duly attainted by outlawry in the supreme court of this state of several robberies, burglaries and felonies by them committed within the same; notwithstanding which attainters they continue to perpetrate the like offences, to the great disquiet, terror and impoverishing of many of the good citizens of this commonwealth: And whereas Gideon Vernon, Thomas Bulla, Amos Williams, Edward Richardson and George Burns are suspected and charged and it appears to the legislature that there is good cause to suspect and charge them, and every of them, with

being accomplices in the aforesaid robberies, burglaries and felonies, which crimes might be in great measure prevented in future, and the said offenders be speedily brought to justice if due encouragement be given to such as shall vigorously endeavor the apprehending the said malefactors; and some severe punishment inflicted on such as shall hereafter receive or buy money or goods by them or any of them stolen, knowing the same to be so, or shall receive, relieve, harbour, comfort or assist the said offenders or any of them:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act all and every person and persons who shall apprehend and take the aforesaid Caleb Paul, John Paul, Robert Steel, Aaron Doane, Mahlon Doane, Edward Connard, Henry Connard, Jeremiah Cooper, Amos White, Joseph Doane, Abraham Doane, Levi Doane, George Sinclare, Gideon Vernon, Thomas Bulla, Amos Williams, Edward Richardson and George Burns or any of them, and deliver them or him to the sheriff of any county in this state in the common gaol of the same county, or to the keeper of any of any goal there, and obtain a certificate thereof from such sheriff or gaoler which one of them is hereby authorized and required to give upon such delivery, shall, on producing the said certificate to the president or vice-president in council, the same being countersigned by one of the judges of the supreme court, or any two justices of the peace, receive an order on the treasurer for the sum of three hundred pounds for each and every of the persons aforesaid so taken and delivered; and the said sheriff and gaoler are hereby empowered and required, without any mittimus or other authority, to receive the said offenders or offender so delivered in such gaol, and then or him to keep safe until thence discharged by due course of law, under the penalty of being punished as for a wilful escape of a capital felon; and in case any dispute shall happen to arise between the persons so apprehending, taking and delivering the said offenders touching the right and title to the said reward, that then the said judge or justices, so re-

spectively countersigning as aforesaid, shall, together with the said certificate, direct in writing, under his or their hands, the said reward to be paid to and amongst the parties claiming the same in such shares and proportions as to the said judge or justices shall seem just and reasonable.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any of the offenders herein before named or any other person wh<sup>o</sup> has committed any robbery or burglary being out of prison, shall, from and after the publication of this act, apprehend and take and cause to be delivered as aforesaid, two or more of said persons before named, who have been outlawed as aforesaid, or two or more of the other persons herein before last named, so as two or more of the persons last named shall be convicted of any robbery or burglary, the person so apprehending and delivering in the first case, and so apprehending and prosecuting to conviction in the second case, shall himself have the reward and allowance of one hundred pounds upon producing to the president or vice-president in council a certificate signed and countersigned as before mentioned, together also with a pardon of all robberies, burglaries and other offences not capital by him committed at any time or times before such apprehending and taking, if the supreme executive council of this state shall think it advisable by their proclamation to promise the same, which pardon shall be likewise a good bar to any appeal brought for such robbery or burglary.

(Section IV, P. L.) And forasmuch as the said felons are much encouraged to commit such robberies and burglaries because a great number of persons receive and buy of the said felons the money and goods so by them feloniously taken, and also do make it their business to harbor and conceal the said offenders after the said facts, knowing the said robberies and burglaries to have been by them committed:

[Section III.] Be it therefore enacted by the authority aforesaid, That if any person or persons shall receive or buy any money, goods or chattels that have been or shall be feloniously taken or stolen by the offenders herein before named or any of them from any other person, knowing the same to be

so, or shall receive, relieve, harbor, comfort or assist the said offenders or any of them knowing them to be such, he, she or they so offending shall be deemed and taken to be accessory or accessories to the said robberies or burglaries, and, being of either of the said offences legally convicted, shall suffer and incur the pains of death without the benefit of clergy, but without working corruption of blood, loss of dower or forfeiture of lands or goods.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall discover any one or more persons, who, from and after the publication of this act shall have received money, goods or chattels that have been or shall be feloniously taken or stolen by the offenders herein before named from any other person, knowing the same to be so, or shall discover any person or persons who shall receive, relieve, harbor, comfort or assist the said offenders or any of them knowing them to be such, so as he, she or they so discovered shall be convicted of either of the said offences, any such discoverer shall have a reward of fifty pounds; and that the judges before whom such offenders shall be convicted as aforesaid, or one of them, shall determine and settle the right, rights and shares of such respective persons who shall be entitled to the said reward, and give a certificate thereof (being thereunto required) to the person or persons so entitled thereunto, who thereupon shall, on application to the president or vice-president in council, receive an order on the treasurer of the state for the aforesaid reward.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That in case any person or persons shall happen to be killed or wounded so as to lose an eye or the use of any limb, in apprehending, or in making pursuit after such robbers, burglars, felons, receivers of stolen money or goods, or receivers, harborers or comforters of such robbers or burglars, on proof thereof at the court of general quarter sessions of the peace and gaol delivery, for the county where the same shall happen, the justices, or three of them, shall give a certificate thereof to the executor or administrator of the person so killed, or the person so wounded, which shall entitle them, on applica-

tion to the president or vice-president in council, to receive on order on the treasurer of the state, if killed, for the sum of three hundred pounds, and if wounded as aforesaid for the sum of one hundred and fifty pounds.

(Section VII, P. L.) And whereas it is the duty of every person legally accused of any crime quietly to yield himself up to the justice of his country, and also of every citizen and subject to use his best endeavors for preventing the escape of any robbers, burlars or other felon:

[Section VI.] Be it further enacted by the authority aforesaid, That if any of the offenders herein before named shall resist any person or persons endeavoring to arrest or imprison him, and he so making resistance shall happen to be killed or if any of them shall fly from any person or persons endeavoring to apprehend him, and in the pursuit the said party so flying shall be killed, where he cannot be otherwise overtaken, he or they so killing shall be and hereby [are] justified; and in case any prosecution shall be commenced against any person or persons for the same, he or they may thereto plead the general issue, and give this act in evidence. And moreover he or they so killing any of the before named offenders (on proof thereof made at any court of general quarter sessions of the peace and gaol delivery for the county where such killing shall happen, and the same be certified by the justices, or any three of them, who are hereby authorized and required to certify the same) shall on producing such certificate to the president or vice-president in council, receive an order on the treasurer of the state for the sum of three hundred pounds.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall be called on by any justice of the peace, sheriff or his deputy, any militia officer, constable or person robbed, to go in pursuit of either of the said felons or offenders, their aiders, abettors, harborers or concealers, and shall refuse, he or they severally, on conviction before any justice of the peace, where he or they shall reside, shall pay a fine of five pounds to the use of the

commonwealth, to be recovered as debts of five pounds and under are recoverable by law.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That this act shall be [and] continue in force until the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty-five, and no longer.

Passed September 8, 1783. Recorded L. B. No. 2, p. 105, etc. See the Act of Assembly passed February 9, 1784, Chapter 1067.

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## CHAPTER MXXIX.

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### AN ACT FOR THE ESTABLISHMENT OF A COLLEGE AT THE BOROUGH OF CARLISLE, IN THE COUNTY OF CUMBERLAND, IN THE STATE OF PENNSYLVANIA.

(Section I, P. L.) Whereas the happiness and prosperity of every community (under the direction and government of Divine Providence) depends much on the right education of the youth who must succeed the aged in the important offices of society, and the most exalted nations have acquired their pre-eminence by the virtuous principles and liberal knowledge instilled in[to] the minds of the rising generation:

(Section II, P. L.) And whereas, after a long and bloody contest with a great and powerful kingdom, it has pleased Almighty God to restore to the United States of America the blessings of a general peace, whereby the good people of this state, relieved from the burdens of war, are placed in a condition to attend to useful arts, sciences and literature, and it is the evident duty and interest of all ranks of people to promote and encourage as much as in them lies every attempt to disseminate and promote the growth of useful knowledge:

(Section III, P. L.) And whereas by the petition of a large number of persons of established reputation for patriotism, integrity, ability and humanity presented to this house, it appears that the institution of a college at the borough of Carlisle in

the county of Cumberland for the instruction of youth in the learned languages and other branches of literature, is likely to promote the real welfare of this state and especially of the western parts thereof:

(Section IV, P. L.) And whereas this house is informed as well by the said petition as by other authentic documents that a large sum of money, sufficient to begin and carry on the design for some considerable time is already subscribed by the generous liberality of divers persons who are desirous to promote so useful an institution, and there is no doubt but that further donations will be voluntarily made so as to carry it into perfect execution: And this house cheerfully concurring in so laudable a work:

[Section I.] (Section V, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That there be erected and hereby is erected and established in the borough of Carlisle, in the county of Cumberland, in this state, a college for the education of youth in the learned and foreign languages, the useful arts, sciences and literature, the style, name and title of which said college, and the constitution thereof shall be and are hereby declared to be as is herein after mentioned and defined; that is to say,

I. In memory of the great and important services rendered to his country by his excellency John Dickinson, esquire, president of the supreme executive council, and in commemoration of his very liberal donation to the institution, the said college shall be forever hereafter called and known by the name of "Dickinson College."

II. That the said college shall be under the management, direction and government of a number of trustees not exceeding forty, or a quorum or board thereof, as hereinafter mentioned.

III. That the first trustees of the said college shall consist of the following persons, viz:

His excellency John Dickinson, esquire, president of the supreme executive council, Henry Hill, James Wilson and William Bingham, esquires, and Doctor Benjamin Rush of the city and county of Philadelphia.

The Reverend James Boyd, of the county of Bucks.

Doctor John McDowell, of the county of Chester.

The Reverend Messieurs Henry Muhlenberg, A. M., and William Handell and James Jacks, esquires, of the county of Lancaster.

The Reverend Messieurs John Black, Alexander Dobbins, John McKnight, the honorable James Ewing, esquire, vice-president of the supreme executive council and Robert McPherson, Henry Schlegle, Thomas Hartley and Michael Hahn, esquires of the county of York.

The Reverend Messieurs John King, Robert Cooper, James Lang, Samuel Waugh, William Linn and John Linn and John Armstrong, John Montgomery, Stephen Duncan, Thomas Smith and Robert Magaw, esquires, and Doctor Samuel McCloskey, of the county of Cumberland.

The Reverend Christopher Emanuel Shulze and Peter Spyker, esquire, of the county of Berks.

John Ardnt, esquire, of the county of Northampton. William Montgomery and William McClay, esquires of the county of Northumberland.

Bernard Dougherty and David Espy, esquires, of the county of Bedford.

The Reverend James Sutton and Alexander McClean, esquire, of the county of Northumberland.

And William McCleary, esquire, of the county of Washington.

Which said trustees and their successors to be elected in the manner hereafter mentioned, shall forever hereafter be and they are hereby erected established and declared to be one body politic and corporate with perpetual succession in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The Trustees of Dickinson College in the borough of Carlisle, in the county of Cumberland;" by which name and title, they, the said trustees and their successors, shall be competent and capable at law and in equity to take to themselves and their successors for the use of the said college any estate in any messuages, lands, tenements, hereditaments, goods, chattels, moneys or other effects, by the gift, grant, bar-

gain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever, provided the same do not exceed in the whole the yearly value of ten thousand pounds, valuing one-half johannes, weighing nine penny-weight, at three pounds; and the same messuages, lands, tenements, hereditaments, and estate, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm let, and place out on interest or otherwise dispose of for the use of the said college in such manner as to them or at least seven of them shall seem most beneficial to the institution, and to receive the rents, issues, profits, incomes and interest of the same, and to apply the same to the proper use and support of the said college; and by the same name to sue, commence, prosecute, and defend, implead and be impleaded, in any courts of law or equity, and in all manners of suits or actions whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises or which shall be incidentally necessary thereto, as fully and effectually as any natural person or body politic or corporate within this commonwealth have power to manage their own concerns, and to hold, enjoy and exercise all such powers, authorities and jurisdictions as are customary in other colleges in Europe or America.

IV. That the said trustees shall cause to be made for their use one common seal with such devices and inscriptions thereon as they shall think proper, under and by which all deeds, diplomas, certificates and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure to break and devise a new one.

V. That the said trustees of the said college or nine of them at least, shall meet at the city of Philadelphia on the third Monday in September [instant] for the purpose ofconcerting and agreeing to such business as in consequence of this act shall be proper to be laid before them at the commencement of the work they have undertaken, and shall have power to adjourn from time to time as they shall see cause to any other times and places for the purpose of perfecting the same.

VI. That there shall be a meeting of the said trustees held once in every year at least at the borough of Carlisle at such

time as the [said] trustees or a quorum thereof shall appoint, of which notice shall be given after the first meeting either by public advertisements in two of the public newspapers of Philadelphia six weeks before the time or by notice in writing signed by the clerk or other officer of the said trustees for that purpose to be appointed, and sent to each trustee at least twenty days before the time of such intended meeting; and if at such meeting nine of the trustees shall not be present those of them meeting nine of the said trustees shall not be present those of them who shall be present shall have power to adjourn the meeting to any other day as fully and effectually to all intents and purposes as if the whole number of trustees for the time being were present; but if nine or more of the said trustees shall meet at the said appointed times or at any other time of adjournment then such nine of the said trustees shall be a board or quorum, and a majority of the votes of them shall be capable of doing and transacting all the business and concerns of the said college not otherwise provided for by this act, and particularly for the making and enacting ordinances for the government of the said college, of electing trustees in the place or stead of those who shall resign their places, or who shall die, of electing and appointing the principal and professors of the said college, of agreeing with them for their salaries and stipends and removing them for misconduct or breach of the laws of the institution, of appointing committees of their own body to carry into execution all and every the resolution of the board, of appointing a treasurer, secretary, stewards, managers and other necessary and customary officers for the taking care of the estate and managing the concerns of the corporation, and generally a majority of voices of the board or quorum of the said trustees, consisting of nine persons at least at any annual or adjourned meeting, after notice given as aforesaid, shall determine all matters and things (although the same be not herein particularly mentioned) which shall occasionally arise and be incidentally necessary to be determined and transacted by the said trustees: Provided always, That no ordinances shall be of force which shall [be] repugnant to the laws of this state.

VII. The head or chief master of the said college shall be

called and styled, "The Principal of the College;" and the masters thereof shall be called and styled, "Professors," but neither principal nor professors, while they remain such, shall ever be capable of the office of trustee.

VIII. The principal and professors, or a majority of them shall be called and styled, "The Faculty of the College;" which faculty shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils by rewarding or censuring them, and finally by suspending such of them, as after repeated admonitions shall continue disobedient and refractory, until the determination of a quorum of trustees can be had, and of granting and confirming, by and with the approbation and consent of a board of trustees, signified by their mandamus such degrees in the liberal arts and sciences to such pupils of the college or others who, by their proficiency in learning or other meritorious distinction, they shall think entitled to them, as are usually granted and conferred in other colleges in Europe or America, and to grant to such graduates diplomas or certificates under their common seal and signed by the faculty to authenticate and perpetuate the memory of such graduation.

IX. Persons of every religious denomination among Christians shall be capable of being elected trustees; nor shall any person, either as principal, professor or pupil, be refused admittance for his conscientious persuasion in matters of religion, provided he shall demean himself in a sober, orderly manner, and conform to the rules and regulations of the college.

X. As it has been found by experience that those persons separated from the busy scenes of life, that they may with more attention study the grounds of the Christian religion, and minister it to the people, are in general zealous promoters of the education of youth, and cheerfully give up their time and attention to objects of this kind; therefore, whenever a vacancy shall happen by the want of qualification, resignation or decease of any clergyman hereby appointed a trustee, such vacancy shall be filled by the choice of another clergyman of any Christian denomination, and so toties quoties such vacancy shall happen, whereby the number of clergymen hereby appointed trustees shall never be lessened.

XI. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from the said corporation, provided the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from the said corporation, nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof.

[Section II.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the constitution of the said college herein and hereby declared and established shall be and remain the inviolable constitution of the said college forever, and the same shall not be altered or alterable by any ordinance or law of the said trustees, nor in any other manner than by an act of the legislature of this state.

[Section III.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees hereinbefore appointed and their successors and the principal and professors and every of them hereafter to be appointed in such manner and form as herein is directed and required, before he or they enter upon the duties of their trust or office, shall before two justices of the peace of the city of Philadelphia or of some county of this state take and subscribe the oath or affirmation prescribed by the fortieth section of the constitution of this commonwealth, to be taken by the officers of this state, and also the oath or affirmation of allegiance directed to be taken by the same officers, in and by the seventh and eighth section of an act of assembly made and passed the fifth day of December in the year of our Lord one thousand seven hundred and seventy-eight, entitled<sup>1</sup> "A further supplement to the act, entitled 'An act for the further security of the government,'" and shall also take an oath or affirmation for the faithful discharge of their trust of office aforesaid.

Passed September 9, 1783. Recorded L. B. No. 2, p. 110, etc.

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<sup>1</sup> Passed December 5, 1778, Chapter 822.

## CHAPTER XXX.

AN ACT FOR THE REPEAL OF AN ACT, ENTITLED "AN ACT TO PREVENT AND STAY SUITS FROM BEING BROUGHT AGAINST THE INHABITANTS OF WYOMING DURING THE TIME THEREIN MENTIONED,"<sup>1</sup> AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas it was enacted by a law of this state passed the thirteenth day of March last, entitled "An act to prevent and stay suits from being brought against the inhabitants of Wyoming during the time therein mentioned." That every writ and process whatever granted or issued for any owner or owners, claimant or claimants, against any person being then an inhabitant on the lands at Wyoming, in order to dispossess any of the said inhabitants or settlers of the lands or tenements in his, her or their occupancy, should be and the same were declared to be stayed; and that on motion all further proceedings thereon should be quashed by the court to which such writ should be returnable, until the report of commissioners in the said law mentioned should be laid before this house. And inasmuch as the said commissioners have now made their report and it is evident that the clemency and moderation of this house have been mistaken and treated with neglect, so that no reasonable compromise could be effected between the settlers at Wyoming and the owners of said lands. And as it is highly expedient that the good people of this state should enjoy the full benefit, force and effect of the laws of this commonwealth:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of [the] same, That from and after the passing of this act, the aforesaid and above recited act, entitled "An act to prevent and stay suits from being brought against the in-

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<sup>1</sup> Passed March 13, 1783, Chapter 1113.

habitants of Wyoming, during the time therein mentioned," and every clause and thing therein contained be, and the same hereby actually is repealed, and to all intents and purposes made absolutely null and void, anything in the said act contained to the contrary thereof in anywise notwithstanding.

(Section III, P. L.) And whereas the commissioners appointed as aforesaid have reported that for the better extending of the advantages of civil government to the free-holders and settlers of the township of Wyoming, a subdivision of the said township into three distinct townships was necessary, and that they had accordingly proceeded on the twenty-second day of April last to divide the same as follows: Beginning at the mouth of Shick-shinney creek, thence up the same to the heads thereof, and from thence, by a northwest line, to the boundary of the state, thence east by the said boundary to the east branch of the Susquehanna, thence down the same to the place of beginning, to be thenceforth known and called by the name of Shawanese township. One other division, beginning at the mouth of Shick-shinney creek aforesaid, thence extending over the east branch of the Susquehanna by a south-east line to the line of Northampton county; thence northerly by the line of the said county to the boundary of the state, thence west, by the said boundary to the east branch of the Susquehanna, thence down and including the same to the place of beginning, to be thereafter known and called by the name of Stoke township. And the residue of the said old township of Wyoming, so divided, to continue and remain under the name of Wyoming township. And inasmuch as it is just and right, that what has been done by the said commissioners in this respect should receive every legal confirmation:

[Section II.] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That the divisions of the said township of Wyoming into three district townships, as above described and set forth are hereby ratified and confirmed, to be and remain three distinct township from and after the said twenty-second day of April last past to all intents and purposes whatever: Saving always to the court of quarter sessions of the proper county the power of altering, amending or subdividing

the same as to them at any time hereafter may seem convenient and proper.

(Section V, P. L.) And whereas the said commissioners did proceed on the aforesaid twenty-second day of April last to divide the aforesaid townships into two distinct districts for the purpose of electing justices of the peace for the same, and notified the Honorable John Van Campen of such division, who called together the freeholders of such districts. And the said freeholders, having met agreeable to notice, did, by ballot, elect David Mead, Robert Martin, John Chambers and Nathan Dennison for the northwest district; and Alexander Patterson, John Seely, Luke Broadhead and Henry Shoemaker for the southeast district.

(Section VI, P. L.) And whereas the transactions of the commissioners in this particular and every act and thing done in consequence of the same ought to be observed and receive full and legal confirmation by this house:

[Section III.] (Section VII, P. L.) Be it therefore enacted by the authority aforesaid, That the aforesaid division of the said townships into districts, and the elections in the same held are hereby declared to be good and available in law to all intents and purposes whatever. And the supreme executive council of this state are hereby authorized and required to commissionate four or more as to them shall seem meet of the eight persons above mentioned and now returned as justices of the peace for the county of Northumberland.

Passed September 9, 1783. Recorded L. B. No. 2, p. 117, etc. See the Act of Assembly passed December 24, 1785, Chapter 1199.

CHAPTER MXXXI.

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AN ACT FOR ERECTING THE TOWN OF READING, IN THE COUNTY OF BERKS, INTO A BOROUGH; FOR REGULATING THE BUILDINGS, PREVENTING NUISANCES AND ENCROACHMENTS ON THE SQUARES, STREETS, LANES AND ALLEYS OF THE SAME, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the inhabitants of the town of Reading have represented by their petition to the assembly, that the said town has greatly improved and is yearly increasing in buildings and number of inhabitants; that a good court house, gaol, and four churches or houses for public worship are erected, and that the courts of justice for the county are held there; that encroachments and nuisances have been committed in the public squares, streets, lanes and alleys of said town, and its out-lots; that contentions happen relative to partition walls and fences and a variety of other matter to the great annoyance and inconvenience of the inhabitants:

(Section II, P. L.) And whereas it is necessary as well for the benefit of the inhabitants of the said town as those who trade and resort there, and for the advantage of the public in general, that the encroachments, nuisances, contentions, annoyances and inconveniences in the said town and out-lots thereto belonging should for the future be prevented. And for the promoting industry, rule, order and the better government of the said town:

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the said town of Reading and the country hereinafter described shall be and the same is hereby erected into a borough which shall be called "The Borough of Reading" forever; the extent of which borough is and shall be comprised within the following boundaries, to wit: Beginning on the westerly bank of the river Schuylkill opposite Lardner's

lane of Hockley's out-lots; thence across said river and Lardner's lane, north sixty-six degrees east, six hundred and fifty-nine perches, to a post in a line of land late of Adam Witman, esquire, deceased; thence with said line and Philip Saylor's south twenty-four degrees east, one hundred and seven perches to a stone, being a corner of land late of Jonathan Potts, esquire, deceased; then with the lines of said Witman and Potts, north sixty-six degrees east, fifty-three perches to a stone, being a corner of said Potts' land; thence with the lines of Potts and Bright, south twenty-four degrees east, seventy perches to a stone, being a corner of said Bright's land; thence across the mountain, south six degrees west, four hundred and seventy-eight perches, to a post, being a corner of Michael Bright's land; then south sixty-six degrees west, ninety-three perches to a stone, being a corner of Isaac Levan's land; thence by the same and Michael Crowser's land south twenty-four degrees east, ninety-eight perches to a stone; thence by the same south sixty-six degrees west, one hundred and fifty-six perches, to a black oak, being a corner of said Levan's land, on the eastern bank of the said river Schuylkill; thence across said river to the western bank thereof; thence up the said river along the several courses and distances on the westerly bank, seven hundred and forty perches to the place of beginning.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That Daniel Levan and William Scull, esquires, be, and they are hereby appointed the present burgesses; and the said Daniel Levan shall be called the chief burgess within the said borough, and Peter Nagle, John Spoon, Benjamin Spyker, junior, and James May, assistants, for advising, aiding and assisting the said burgesses in the execution of the powers and authorities herein given them; and John Fry to be high-constable; and Collinson Read, esquire, to be town-clerk; to continue burgesses, assistants, high-constable and town-clerk until the first day of May, one thousand seven hundred and eighty-four, and from thence until others shall be duly elected and appointed in their place, as hereinafter is directed.

[Section III.] (Section V, P. L.) And be it further enacted by

the authority aforesaid, That the said burgesses, freeholders and inhabitants within the said borough and their successors forever hereafter shall be one body corporate and politic in deed and name, and by the name of "The burgesses and inhabitants of the borough of Reading, in the county of Berks," one body corporate and politic, in deed and in name, are hereby fully created, constituted and confirmed; and by the same name of "The burgesses and inhabitants of the borough of Reading," shall have a perpetual succession and they and their successors by the name of "The burgesses and inhabitants of the borough of Reading" shall at all times hereafter be persons able and capable in law to have, get, receive and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple, or for term of life, lives years or otherwise, and also goods and chattels, and other things of what nature or kind soever and also give, grant, let, sell and assign the same lands, tenements, hereditaments, goods and chattels, and to do and execute all other things about the same, by the name aforesaid; and they shall forever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of the courts within this commonwealth, or other places, and before any judges, justices or other persons whatsoever within this commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever; and that it shall and may be lawful to and for the said burgesses and inhabitants of Reading aforesaid and their successors forever hereafter, to have and use one common seal for the sealing of all business whatsoever touching the said corporation, and the same from time to time at their will to alter.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That agreeable to the desire of a majority of the freeholders, it shall and may be lawful for the burgesses, constable, assistants and freeholders, together with such inhabitants, house-keepers within the said borough, as shall have resided therein at least for the space of one whole year next preceding any such election as is herein after directed, and hire a house and ground within the said borough of the

yearly value of five pounds or upwards, on the first day of May, one thousand seven hundred and eighty-four, and on that day yearly forever thereafter, unless the same shall happen to fall on Sunday, and then on the next day following publicly to meet at the court house within the said borough, and then and there to nominate, elect and chose, by ballot, two able men of the inhabitants of the said borough to be burgesses, one to be constable, and one to be town-clerk, and four to be assistants within the same for assisting the said burgesses in managing the affairs of the said borough, and in keeping peace and good order therein; which election shall be taken from time to time by the high-constable of the year preceding, and the names of the persons so elected shall be certified under his seal to the president of the supreme executive council for the time being, within fifteen days next after such election; and the burgess who shall have the majority of votes shall be called the chief burgess of the said borough. But in case it should so happen that the said free-holders and inhabitants, housekeepers aforesaid, shall neglect or refuse to choose burgesses and the other officers, in manner aforesaid, that then it shall and may be lawful for the president in council to nominate, appoint and commissionate burgesses, constable, town-clerk and assistants for that year, to hold and continue in their respective offices until the next time of annual election, appointed as aforesaid, and so as often as occasion shall require.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said burgesses for the time being shall be and are hereby empowered and authorized to be justices of the peace within the said borough, and also justice of the peace and of the quorum of and for the county of Berks, without any further or other commission.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That before any of the said burgesses, constable, town-clerk or other officers shall take upon themselves their respective offices they shall take and subscribe such oath or affirmation of allegiance and fidelity as by the laws of the commonwealth are in such cases provided, together with the oath or affirmation for the due execution of their

respective offices; and every chief burgess so elected or appointed from year to year as aforesaid, shall within ten days immediately after his election take the oath or affirmation aforesaid before a justice of the peace for the county aforesaid; and that on his failure to take the oath or affirmation aforesaid within the time aforesaid (unless disabled by sickness or other reasonable cause) another chief burgess shall from time to time and as often as occasion shall require be appointed by the president in council in the stead of such person so failing to appear and qualify himself as aforesaid; which burgess so to be appointed by the president and council shall and may hold and enjoy his office until the day of election next ensuing the day of his appointment; and the chief burgess, having qualified himself in manner aforesaid, shall enter upon his office; and the other burgess, constable, town-clerk or other officers, shall and may qualify themselves for their respective offices by taking and subscribing the oaths or affirmations aforesaid before the said chief burgess, or before one of the justices of the peace of the said county, who are hereby authorized and empowered to administer the same.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgesses, freeholders and inhabitants, house-keepers aforesaid, and their successors, to have, hold and keep within the said borough, two markets in each week; that is to say, one market on Wednesday, and one on Saturday, in every week of the year forever, in the centre square of the said borough, and two fairs in the year, the first to begin on the fourth day of June, one thousand seven hundred and eighty-four, and the other of said fairs to begin on the [twenty-seventh day of October] following, each fair to continue two days; and when either of those days shall happen to fall on Sunday, then the said fairs to be kept the next day or two days following; together with free liberties, customs, profits and emoluments to the said markets and fairs belonging, and in anywise appertaining forever. And that there shall be a clerk of the market of the said borough, who shall have the assize of bread, wine, beer, wood and all other provisions brought for the use of the inhabitants, and who

shall and may perform all things belonging to [the office] of a clerk of the market within the said borough; and that John Hartman shall be the present clerk of the market, who shall be removable for any malfeasance in his office, by the burgesses and assistants aforesaid, and another from time to time appointed and removed, as they shall find necessary.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any of the inhabitants of the said borough shall hereafter be elected to the office of burgesses, high constable or assistants, and having notice of his or their election, shall refuse to undertake and execute that office to which he is chosen, it shall and may be lawful for the burgesses, high-constable and assistants then acting, to impose such moderate fines on the person or persons so refusing, as to them shall seem meet; so always that a fine imposed on a burgess elect do not exceed the sum of [ten] pounds, and the fine of a high constable or assistant elect do not exceed the sum of five pounds each; to be levied by distress and sale of the goods of the party refusing, by warrant under the hand and seal of one of the said burgesses, or by any other lawful ways or means whatsoever, for the use of the said corporation; and in any such case, it shall and may be lawful for the said inhabitants to proceed to the choice of some other fit person or persons, in the stead of such who shall so refuse.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said burgesses, high constable and assistants, for the time being, to assemble town meetings as often as they shall find occasion, at which meetings they may make such ordinances and rules, not repugnant to or inconsistent with the laws of the commonwealth, as to the greatest part of the inhabitants shall seem necessary and convenient for the good government of the said borough, and the same rules and orders to put in execution, and the same to revoke, alter and [make] new, as the occasion shall require. And also to impose such rules and amercements upon breakers of the said ordinances as to the makers thereof shall be thought reasonable, to be levied as above is directed in case of fines, for the use of the said borough; and also at the said

meetings to mitigate or release the said fines on the submission of the parties.

(Section XII, P. L.) And for the better preventing all encroachments, nuisances, contentions, annoyances and inconveniences whatsoever within the bounds and limits of the said borough.

[Section X] Be it further enacted by the authority aforesaid, That where any buildings have been heretofore erected within the original plan of said borough (other than such as have been erected unjustly on the out-lots) and shall happen to encroach on any of the said streets and alleys or squares, such buildings shall not be deemed, held or taken for nuisances, or abateable as such.

But to prevent a continuance of such encroachments, after such buildings shall be decayed, or require rebuilding,

[Section XI.] Be it further enacted by the authority aforesaid, That the owner or owners of such buildings shall not at any time rebuild on the street, lane, alley or square so encroached on and in case any person or persons shall rebuild on the said street, alley, or square so encroached on, the same shall be deemed, taken and judged a public nuisance, and shall be abateable and punishable as such, and the person or persons so rebuilding shall forfeit and pay the sum of twenty pounds to the supervisors of the said streets, lanes, alleys and squares, to be applied towards repairing the same, being thereof first legally convicted in any county court of quarter sessions for the county of Berks.

(Section XIII, P. L.) And to the intent that the streets, lanes, alleys and such others as shall be hereafter laid out, may be duly regulated, made and kept in good order,

[Section XII.] Be it further enacted by the authority aforesaid, That no person or persons whatever, shall, from and after the publication of this act, lay the foundation of any party wall, or front of any building, adjoining the streets, lanes and alleys, within the said borough, before they have applied to the surveyors or regulators, to be appointed by the burgesses and assistants of the said borough, who are hereby empowered; as often as there shall be occasion, to appoint three discreet persons to be surveyors or regulators of the said streets, lanes and

alleys, so far as the same are already laid out and built upon, and of such streets, lanes and alleys, as shall hereafter from time to time be laid out and opened by the owners of the ground within the said borough, respectively; which said persons so to be appointed shall direct the regulation of the said streets, lanes and alleys, and of the foot-way on the sides of the streets, and fronting the houses and lots in the said borough, with the width or breadth of such foot-way; and upon application made to them, shall regulate and lay out the proper gutters, channels and conduits for the carrying off the water and shall and may enter upon the lands of any person or persons in order to set out the foundations and to regulate the walls to be built between party and party, as to the breadth and thickness thereof; which foundations shall be equally laid upon the lands of the persons between whom such party wall is to be made; and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such [next] builder shall any ways use or break into the said wall; and the charge or value thereof shall be set by the said regulators or any two of them.

[Section XIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall begin or lay a foundation of any party wall or building before the place be viewed and directed by the said regulators or any two of them, or otherwise than the same shall be set out and directed by the said regulators, every such person or persons, as well employers as master-builders, shall forfeit and pay the sum of five pounds to the burgesses of the said borough for the time being or one of them for the public use and benefit thereof, being of the said offence first convicted in the county court of quarter sessions for the county of Berks.

[Section XIV.] (Section XV, P. L.) Provided always, and be it further enacted, That if either party between whom such foundation shall be laid out shall find themselves aggrieved by the order or direction of the said regulators, he, she, or they may appeal to the justices at the next court of quarter sessions to be held for the said county, who shall finally adjust and settle

the same, and the costs of such appeal shall be paid as the same court shall direct.

[Section XV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the said regulators or surveyors attending the said service, for their trouble shall be paid by the party or parties concerned in such foundation or erecting such party wall the sum of five shillings each.

[Section XVI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said surveyors or regulators or any two of them shall have full power to regulate partition fences within the said borough; and where the adjoining parties do improve or enclose their lots, such fences shall be made in the manner generally used and kept in repair at the equal cost of the parties, so that the price for making exceed not fifty shilling for every hundred feet, unless the owners or possessors, between whom such fence is or shall be erected, do agree otherwise; and if either party between whom such partition fence is or shall be made, shall neglect or refuse to pay his half part or moiety for the repairing or setting up such partition fence as aforesaid, that then the party at whose cost the same was so set up or repaired, may, if above five pounds have his action at law for the said moiety of such costs, and if five pounds or under, the same shall be determined before either the burgesses of the said borough or any justice of the peace of the said county, as in cases of debts not exceeding five pounds.

[Section XVII.] (Section XVIII.) And be it further enacted by the authority aforesaid, That the freeholders and others within the said borough qualified by charter to elect burgesses and assistants, shall meet together on the third Monday in the month of May, one thousand seven hundred and eighty-four, and every year thereafter on the same day, at the court house in the said borough, and then and there by tickets in writing, between the hours of ten in the morning and four in the afternoon, choose two discreet and reputable freeholders of the said borough to be the supervisors of the highways, and two to be assessors, which said supervisors and assessors, when chosen and returned in writing under the hand of one of the burgesses of the said borough into the office of the clerk of the county court of

quarter sessions for the said county, shall be the assessors for the said borough, and the supervisors of the streets, lanes, alleys, roads, and highways thereof, for the ensuing year, and if any supervisor or assessors so elected or otherwise appointed by virtue of this act shall refuse to take upon himself the said office, he shall for every such offence forfeit and pay any sum not exceeding ten pounds, to be applied towards maintaining, amending, cleansing and repairing the said streets, lanes, alleys and highways.

[Section XVIII.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said supervisors of the highways shall at least five days before the third Monday in May, yearly and every year, give public notice in writing by affixing the same at the court house in the said borough that the freeholders and inhabitants thereof are to meet on that day to elect assessors and supervisors for the said borough according to the directions of this act.

[Section XIX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said supervisors together with the assessors aforesaid for the time being to lay a rate or rates in any one year not exceeding one shilling in the pound on the clear yearly value of the real and personal estates of all and every the freeholders and inhabitants within the said borough, to be employed for the amending, repairing and keeping clean, and in good order, the streets, lanes, alleys and highways aforesaid, agreeable to the true intent and meaning of this act. Provided nevertheless, That the said rate or assessment shall be laid according to the best of their skill and judgment, and as near as may be to county assessment for other purposes laid in pursuance of an act, entitled "An act for raising county rates and levies,"<sup>1</sup> having due regard to every man's estate within the said borough without favor or affection to any person whatsoever. And the said supervisors and assessors and each of them shall before they take on themselves the duties enjoined and required by this act, take an oath or affirmation respectively to the effect following, that is to say, "That they will

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<sup>1</sup> Passed March 20, 1724-25, Chapter 284.

well and truly cause the rates and [sums] of money by this act imposed to be duly and equally assessed and laid to the best of their skill and knowledge, and therein shall spare no person for favor or affection nor grieve any for hatred or ill-will; and that they and each of them the said assessors and supervisors will diligently attend and faithfully execute their said offices respectively during the time of their continuance therein according to the best of their abilities and judgment." Which oath or affirmation the burgesses of the said borough or any of them or any of the justices of the peace of the said county of Berks are hereby empowered and required to administer and certify the same to the clerk of the sessions of the peace of the said county to be by him filed among the records and papers of his office.

[Section XX.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That if any of the supervisors or assessors, as aforesaid chosen shall refuse or neglect to take upon him or themselves the said office respectively; or shall die, or remove out of the said borough, or if the freeholders and inhabitants of the said borough aforesaid shall neglect or refuse to elect or choose supervisors or assessors as is herein before directed and appointed then and in every such case it shall and may be lawful to and for the burgesses and assistants of the said borough or any four of them, a burgess being one, and they are hereby enjoined and required to appoint another supervisor or supervisors, assessor or assessors in the room and stead of such supervisor or supervisors, assessor or assessors, so refusing, dying or removing as aforesaid; which said supervisor or supervisors, assessor or assessors so appointed, shall have the same powers and authorities, and shall be liable to the same penalties as the supervisors or assessors so chosen by the inhabitants of the said borough in pursuance of the direction of this act; and that the supervisors and assessors shall have and receive for their trouble in rating and assessing the said rate, three pence in every pound; and the said supervisors shall have and receive six pence in the pound for collecting the same, and four shillings each for every day they shall attend in overseeing, employing and attending the workmen upon the public streets, lanes and highways within the said borough.

[Section XXI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said supervisors, before they proceed to the collecting of the said rate, shall procure the same to be allowed by the burgesses of the said borough or one of them, and one or more of the justices of the peace of the said county of Berks; and if any person or persons so rated and assessed shall refuse to pay the sum or sums on him or them charged and shall not enter his or their appeal at the next court of general quarter sessions, that it shall and may be lawful to and for the said supervisor or supervisors (having first obtained a warrant under the hand and seal of one of the said burgesses or one of the justices of the peace aforesaid who are hereby empowered and required to grant such warrant) to levy the same on the goods and chattels of the person or persons so refusing; and in case such person shall not, within three days next after such distress made, pay the sum or sums on him or her assessed together with the charges of such distress, that then the said supervisors or supervisor may proceed to the sale of the goods distrained, rendering to the owner the overplus if any shall remain on such sale, reasonable charges being first deducted. Provided nevertheless, That if any person or persons shall find him, her [or] themselves aggrieved with such rate or assessment, it shall and may be lawful for the justices of the peace at their next general quarter sessions, upon the petition of the party, to take such order therein as to them shall appear just, and the same shall conclude and bind all parties; and the supervisors, in case of such appeal, shall forbear in making distress until the same be determined in the quarter sessions in the manner herein directed and appointed.

[Section XXII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That the tenant or tenants, or any other person residing on or having the care of lands of persons not residing in the said borough, his or their goods and chattels, shall be liable to be distrained in manner aforesaid for the payment of the said tax.

[Section XXIII.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That where any tenant shall, before the passing of this act, have taken on a lease for one or

more years any lands [or] tenements, and shall pay the said rate hereby imposed on the said lands or tenements so leased, or shall have his or her goods and chattels distrained for the same, in such case it shall and may be lawful for the said tenant or tenants or other persons aforesaid to deduct the tax so paid out of the rent due or to become due, or for the tenant or tenants, or other persons aforesaid, to recover the same from the owner or owners by action together with costs of suit, in the same manner that demands are recoverable in other cases. Provided always, That nothing herein contained shall make void or alter any contract heretofore made between any landlord and tenant respecting the payment of the road tax, or any usage or custom in respect to the tenant's paying the said tax now subsisting between landlord and tenant.

[Section XXIV.] (Section XXV, P. L.) And be it enacted by the authority aforesaid, That the said supervisors shall and they are hereby required and enjoined as often as the said several streets, lanes, alleys and highways shall be out of repair or want cleaning, to hire and employ a sufficient number of laborers and the necessary carts or wagons, to work upon, open, amend, repair and clean the same, and to carry off and remove any filth, mud or dirt, which shall be therein, in the most effectual manner, and shall purchase all materials necessary for that purpose, and oversee the said laborers, and take care that the said streets, lanes, alleys and highways be effectually opened, amended, repaired and cleaned, agreeable to the regulations so made by the said regulators according to the true intent and meaning of this act.

(Section XXVI, P. L.) And in order to enable the said supervisors the more effectually to discharge their duty.

[Section XXV.] Be it enacted by the authority aforesaid, That it shall and may be lawful for the supervisors aforesaid or any other person or persons by his or their order and directions to enter upon any lots or lands adjoining to or lying near the said streets, lanes, alleys and highways, and to cut or open such drains or ditches through the same as he or they shall judge necessary to completely carry off and drain the water from such streets, lanes, alleys and highways; provided the same

be done with as little injury and damage as may be to the owners of such lot or land; which drains and ditches so cut and opened shall be kept open by the said supervisors if necessary for amending and keeping clean and in good order the said streets, lanes, alleys and highways or any or either of them, and shall not be stopped or filled up by the owner or owners of such lot or land, or any other person or persons whatsoever, under the penalty of five pounds for every such offence, to be paid and applied for and towards keeping in good order and repair the said streets, lanes, alleys and highways.

[Section XXVI.] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That all and every supervisor or supervisors aforesaid who shall refuse or neglect to do and perform his or their duty as directed by this act (not otherwise particularly provided for) shall be fined and pay the sum of three pounds for every such offence, to be recovered in a summary way before either of the burgesses of the said borough or any justice of the peace of the county residing in the said borough, and to be applied towards repairing and keeping clean and in good order the said streets, lanes, alleys and highways. Provided always, That if any such supervisor or supervisors shall conceive him or themselves aggrieved by the judgment of such burgess or justice, he may appeal to the next county court of general quarter sessions, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

[Section XXVII.] (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That the person or persons who shall have served the office of supervisor or supervisors the preceding year shall, on the first day of June yearly or within six days after make up and produce to the said burgesses and assistants fair and just accounts of all such sums of money by him or them expended on the said streets, lanes, alleys and highways, and of all sums of money by him or them received by virtue of any assessments, and of all fines and penalties which have come to their hands; which accounts shall be entered in a book to be provided for that purpose, and shall be attested on oath or affir-

mation by such supervisor or supervisors, if required by any three or more of the freeholders or inhabitants of the said borough. And the said burgesses and assistants, or any four of them, of which four a burgess shall be one, shall have full power to adjust and settle the said accounts; and to allow of such charges and sums only as they shall think just and reasonable; and if there shall appear to be any money remaining in the hands of the said supervisor or supervisors, they shall, by order in writing, signed by them, direct the same to be paid to the succeeding supervisor or supervisors; but in case the said supervisor or supervisors shall be found in advance for moneys expended, and shall have carefully collected the sums of money assessed and imposed by virtue of this act, then the said burgesses and assistants shall in like manner order the succeeding supervisors to repay and reimburse the same, as soon as a sufficient sum of money shall come to their hands: And if such supervisor or supervisors shall neglect or refuse to make up and produce fair [and just] accounts as aforesaid, or, having made up and produced such accounts shall neglect or refuse forthwith to pay the moneys which he or they shall be ordered as aforesaid to pay, or shall not deliver up the books wherein such accounts shall be entered to their successor, it shall and may be lawful for either of the burgesses of the said borough or any justice of the peace on complaint to him made by any two of the said assistants, to commit such delinquent or delinquents to the county gaol until the same shall be done. Provided always, That if any supervisor shall think himself aggrieved by the settlement of his accounts as aforesaid, he may (having first paid over to his successor or successors the balance found in his hands) appeal to the next court of quarter sessions who shall on the petition of the party take such order therein and give such relief as to them shall seem just and reasonable and the same shall conclude and bind all parties.

[Section XXVIII]. (Section XXIX, P. L.) And be it enacted by the authority aforesaid, That the said borough of Reading, according to the extent, bounds and limits thereof by charter, shall henceforth be deemed and taken and is hereby declared to be one distinct district in the said county of Berks,

and that two overseers of the poor shall be appointed, and one inspector, to serve at the general election in and for the said county of Berks, shall be elected in and for the said borough in the same manner as they are by law directed to be appointed and chosen in and for the several townships within this commonwealth; which said overseers so nominated and inspector so elected, shall have, use and exercise all and every the powers, rights and privileges, and be subject to the same penalties and forfeitures within the said borough respectively, which are lawfully used, had [and] exercised, and which are to be suffered by and imposed on the several overseers and inspectors of the several townships aforesaid, to all intents and purposes as if they were respectively nominated and chosen overseers of the poor and inspector of any of the townships aforesaid in pursuance of the laws of this commonwealth in such cases made and provided.

(Section XXX, P. L.) And whereas doubts have arisen whether according to the laws now in force the justices of the peace residing within the said borough and who are chargeable with or rated to taxes, levies or rates within the same, may lawfully act in any case relating to the said borough:

[Section XXIX.] Be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the justices of the peace of the said borough and all and every the justice or justices of the peace of the county of Berks aforesaid, residing or being in the same, to make, do and execute all and every act or acts, matter or matters, thing or things, appertaining to their offices as justice or justices of the peace, so far as the same relates to the laws for the relief, maintenance and settlement of poor persons, for passing and punishing of vagrants, for opening, amending and repairing the streets, lanes, alleys and highways or to any other laws concerning taxes, levies or rates, notwithstanding any such justice or justices is or are rated or chargeable with the taxes, levies or rates, within the same borough.

[Section XXX.] (Section XXXI, P. L.) Provided always, and be it enacted by the authority aforesaid, That this act, or anything herein contained shall not authorize or empower

any justice or justices of the peace, for or within the said borough, to act in the determination of any appeal to the quarter sessions of the peace for the said county of Berks, from any order, matter or thing, relating to the same borough, anything herein contained to the contrary in anywise notwithstanding.

(Section XXXII, P. L.) And whereas it hath frequently happened that persons [in] digging cellars and building houses, have thrown the clay and dirt from their cellars and the rubbish from their buildings into the streets, lanes, alleys and highways of the said borough, and by suffering the same to remain there have rendered the streets, lanes and alleys impassable:

[Section XXXI.] Be it therefore enacted by the authority aforesaid, That if any person or persons in digging or making cellars, foundations and buildings, vaults, wells, sinks, drains or other works or improvements, shall, after the publication of this act, cast or throw any dirt, earth, clay, stone or other matter, into any public street, lane, alley or highway within the said borough, and shall keep or suffer such dirt, earth, clay, stone or other matter to remain upon such street, lane, alley or highway so as unnecessarily to incommodate or annoy the inhabitants of the said borough and shall not remove the same upon notice given to him, her or them for that purpose or by order of the burgesses of the said borough, or either of them, or by the regulators aforesaid, or any two of them, every such person and persons so offending, and being thereof convicted before either of the burgesses of the said borough or any justice of the peace of the county aforesaid, shall forfeit for every such offence, the sum of forty shillings, and shall pay the cost of removing the same.

[Section XXXII.] (Section XXXIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall cast or lay or cause to be cast or laid any shavings, mud, ashes, dung or other filth or annoyance on any pavement, street, lane or alley within the said borough, and shall not remove the same on notice given to him, her or them by the burgesses of the said borough or either of them or by the regulators aforesaid or any two of them every such person and persons so offending and being convicted thereof before either

of the burgesses of the said borough or before any justice of the peace of the county aforesaid shall forfeit and pay for every such offence the sum of twenty shillings and shall pay the cost of removing the same.

[Section XXXIII.] (Section XXXIV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons after the publication of this act cast or throw out of any cart, wagon or other carriage, any rubbish, dirt or earth, in any public street, lane or alley of the said borough, save only in such parts and places as shall be appointed and agreed on by the said regulators and supervisors aforesaid or any three of them, every such person and persons offending, and being thereof convicted before either of the burgesses of the said borough, or before any justice of the peace of the said county, shall forfeit for every such offence the sum of ten shillings and shall pay the costs of removing the same.

[Section XXXIV.] (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That if any distiller, soap-boiler, or tallow-chandler within the said borough shall discharge any foul or nauseous liquor from any still house or workshop, so that such liquor shall pass into or along any of the said streets, lanes or alleys, or if any soap-boiler or tallow-chandler shall keep, collect or use, or cause to be kept, collected or used in any of the built parts of the said borough any stale, putrid or stinking fat, grease or other matter, or if any butcher shall keep at or near his slaughter-house any garbage or filth whatsoever so as to annoy any neighbor or any other person whatsoever, he, she or they so offending, and being thereof convicted before the burgesses of the said borough, or either of them, or before any justice of the peace of the said county, shall forfeit and pay for every such offense the sum of three pounds, together with the costs of the prosecution.

[Section XXXV.] (Section XXXVI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall after the publication hereof presume to cast, carry, draw out or lay any dead carcass, or any excrement or filth from vaults, privies or necessary houses, and shall leave such carcass or filth without burying the same a sufficient depth, in

any uninclosed grounds within the limits of the said borough, or on or near any of the streets, lanes, alleys or highways aforesaid, every person or persons so offending and being thereof convicted before either of the burgesses of the said borough, or before any justice of the peace of the said county, shall forfeit for every such offence the sum of three pounds and shall pay the costs of removing and burying [such carcass], excrement or filth, in such place and manner as the burgesses of the said borough or either of them or the said regulators or supervisors or any two of them shall direct or appoint.

[Section XXXVI.] (Section XXXVII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall wilfully stop or obstruct the passage of the waters of any of the common sewers hereafter to be made within the said borough, he or they so offending shall forfeit for every such offence any sum not exceeding twenty shillings and shall pay the costs of removing such obstruction.

[Section XXXVII.] (Section XXXVIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall make any pavement or footway before their houses or lots in the said borough of a greater width or breadth or height than allowed or directed by the surveyors or regulators to be appointed by virtue of this act or contrary to the directions of the said regulators or any two of them or shall set up posts in the streets, lanes or alleys aforesaid, or any of them, otherwise than as allowed and directed by the said regulators or any two of them and shall refuse or neglect to take up, remove or place the same in such manner as the said regulators or any two of them shall direct or order, after two day's notice to him, her or them, for that purpose given, by order of the burgesses of the said borough or either of them, or by order of the said regulators or any of them, every such person so offending, and being thereof convicted before either of the burgesses of the said borough or before any justice of the peace of the county aforesaid shall forfeit and pay the sum of thirty shillings for every such offence. And the said regulators or any two of them shall and may take up, regulate, pull down, remove and replace such pavement and posts in such manner as they shall think

proper and the costs of taking up, regulating, pulling down, removing and replacing such pavement and posts shall be paid by the party or parties so offending in the premises.

[Section XXXVIII.] (Section XXXIX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall hereafter make and set up or cause to be made and set up in any street of fifty feet wide or upwards, within the said borough, any porch, cellar door or step which shall extend beyond the distance of four feet and three inches into such street or a proportionate distance into any narrower street, except in Penn [street,] where the steps shall not exceed six feet, and in the main square where the steps shall not exceed eight feet; and if any person or persons shall hereafter make and set up or cause to be made and set up any bulk, jut-window or incumbrance whatsoever whereby any passage of any street, lane or alley shall be obstructed, or shall place or cause to be placed any spout or gutter whereby the passage of any street, lane or alley shall be [shall be] incommoded, every person so offending] and being thereof convicted before the burgesses of the said borough or before any justice of the peace of the county aforesaid, shall for every such offence forfeit and pay the sum of thirty shillings and [shall] forthwith remove the said nuisance of cause the same to be removed; and on failure thereof by the space of three days next after notice to him, her or them, for that purpose given, by order of the burgesses of the said borough, by the said regulators or any two of them, and in that case the regulators aforesaid or any of them shall and may remove the same, or cause the same to (be removed;) and the costs and expenses attending such removal shall be paid by the party or parties so offending.

[Section XXXIX.] (Section XL, P. L.) And be it further enacted by the authority aforesaid, That the owner or owners of every house within the said borough having at the publication hereof any porch, cellar-door or step extending into any street beyond the limits aforesaid, or having fixed or fastened to such house any bulk, jut-window or other incumbrance whatsoever, shall, yearly and every year, pay to the supervisors of the said streets, lanes, alleys and highways, to be applied towards re-

pairing and amending the same, such sum or sums of money as the said burgesses and assistants shall assess, until such porch, cellar-door or step, to him, her or them respectively belonging, shall be reduced to the limits aforesaid, or such bulk, jut-window or other incumbrance shall be removed and taken away; and every owner of owners of any house or houses, whereunto any spouts or gutters shall at the time of the publication hereof be so fixed or placed that the waters thereby discharged may incommodate persons passing in the streets, lanes or alleys shall, and they are hereby enjoined and required, forthwith to remove, or effectually to alter and amend the same.

[Section XL.] (Section XLI, P. L.) And be it enacted by the authority aforesaid, That if any person or persons after the publication of this act shall wilfully or maliciously remove, misplace or injure any pipes or trunks already fixed or placed or that may or shall hereafter be fixed or placed by the direction of the burgesses and assistants of the said borough for conveying water to, from or through any part of the said borough; or if any person or persons shall wilfully or maliciously without the consent and direction of the burgesses and assistants aforesaid by any ways or means whatsoever obstruct or prevent the course of such waters in or through any such trunks, pipes or conduits as are or shall or may be placed as aforesaid, or shall spoil or injure any cistern which shall or may be placed for the reception of such water, every person so offending and being thereof legally convicted before the burgesses of the said borough or either of them or before any justice of the peace for the county aforesaid shall forfeit and pay the sum of five pounds for every such offence and shall pay the costs of repairing and putting such trunks, pipes, conduits or cisterns in good order and repair.

(Section XLII, P. L.) And whereas it hath been usual for the merchants and traders within the said borough to keep large quantities of gun-powder in their dwelling houses and shops to the great and manifest danger of the inhabitants:

[Section XLI.] Be it therefore enacted by the authority aforesaid, That no person or persons whatsoever within the limits of said borough shall, from and after the publication of this act,

keep in any house, shop, cellar, store or other place within the said borough any more or greater quantity than twenty-five pounds weight of gun-powder, which shall be kept in the highest story of the house, at any one time, unless it be at least fifty yards from any dwelling house, under the penalty of ten pounds.

[Section XLII.] (Section XLIII, P. L.) And be it further enacted by the authority aforesaid, That all the fines, penalties and forfeitures herein before imposed by this act, the manner of levying and recovering of which is not before directed, not exceeding the sum of five pounds, shall be recovered before one of the burgesses of the said borough or before one of the justices of the peace of and for the said county of Berks and shall be levied by warrant under the hand and seal of such burgess or justice directed to any constable of said borough or county who is hereby empowered and required to execute the same by distress and sale of the goods and chattels of the offender; and where goods and chattels sufficient cannot be found then the party or parties so offending shall be committed to the common gaol of the said county, there to remain until payment made or until discharged by due course of law; and if such penalties, fines and forfeitures shall exceed the sum of five pounds, then to be recovered by action of debt, bill, plaint, or information, in any county court within this state wherein no essoin, protection or wager of law, nor more than one imparlance shall be allowed; and all fines and forfeitures arising by this act, not herein before appropriated, shall be paid to the supervisors of the streets, alleys and highways, to be employed in mending and repairing the same.

[Section XLIII.] (Section XLIV, P. L.) And be it enacted by the authority aforesaid, That nothing in a certain act of assembly passed in the year of our Lord one thousand seven hundred and seventy-two, entitled "An act for opening and better amending and keeping in repair the public roads and highways within this province,"<sup>1</sup> shall be deemed, construed or taken to extend to the public roads, streets, lanes or alleys, within the said borough, or to the assessing the inhabitants

<sup>1</sup> Passed March 21, 1772, Chapter 653.

thereof for the purposes therein mentioned, or to any other matter or thing to be done or performed therein, but the said act so far as it respects or relates to said borough and no further is hereby declared to be repealed.

[Section XLIV.] (Section XLV, P. L.) And be it also enacted by the authority aforesaid, That if any person or persons be sued or prosecuted for anything done in pursuance of this act he, she or they may plead the general issue and give this act and the special matter in evidence for their justification; and if the plaintiff or prosecutor become non-suit or suffer a discontinuance, or a verdict pass against him, the defendant shall have treble costs to be recovered as in cases where costs by law are given to defendants.

Passed September 12, 1783. Recorded L. B. No. 2, p. 120, etc. See the Act of Assembly passed September 13, 1785, Chapter 1179.

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## CHAPTER XXXII.

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### AN ACT TO REPEAL SUNDRY ACTS OF ASSEMBLY IMPOSING DUTIES ON GOODS, WARES AND MERCHANTISE AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the commissioners for the defence of the bay and river Delaware have by their memorial to the supreme executive council and transmitted by them to this house set forth, that they apprehend they are in possession of money sufficient to answer the ends of their appointment:

(Section II, P. L.) And whereas the merchants of the city of Philadelphia have represented it as detrimental to the trade of this state to continue the duty of four pence per gallon on all wines imported and two shillings and six pence per dozen on all wines imported in bottles and four pence per gallon on all strong beer in casks and two shillings and six pence per dozen on such beer imported in bottles and two pence per pound on all refined sugar imposed by the act, entitled "An act for raising and collecting of money on the specified articles therein

mentioned for the support of government and for other purposes therein mentioned," passed the twentieth day of March last:<sup>1</sup>

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the act, entitled "An act for guarding and defending the navigation in the bay and river Delaware and for other purposes therein mentioned,"<sup>2</sup> and the act, entitled "An act for raising an impost on goods, wares and merchandise, imported or brought into this state by land,"<sup>3</sup> and so much of the act entitled "An act for raising and collecting of money on the specified articles therein mentioned for the support of government, and for other purposes therein mentioned,"<sup>1</sup> as is contained in the seventh, eighth and ninth sections thereof; be, and the same are hereby specially and severally repealed, made null and void and of no effect.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That whatever sum or sums of money now are in the hands of the naval officer, or for which he hath taken bonds or other securities, or which may come into his hands by virtue or on account of the acts aforesaid, shall be, and hereby are appropriated to such uses as the assembly may by their vote direct and appoint.

Passed September 17, 1783. Recorded L. B. No. 2, p. 146, etc.

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## CHAPTER XXXIII.

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### AN ACT TO DISSOLVE THE MARRIAGE OF CHARLES RUBEY, OF THE TOWN OF BEDFORD, CORDWAINER, AND JANE, HIS WIFE.

(Section I, P. L.) Whereas Charles Rubey of the town and county of Bedford, cordwainer, hath presented a petition to the late house of assembly, setting forth that Jane, his wife,

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<sup>1</sup> Passed March 20, 1783, Chapter 1018.

<sup>2</sup> Passed April 9, 1782, Chapter 965.

<sup>3</sup> Passed November 22, 1782, Chapter 998.

late Jane Smith, had been unfaithful to his bed, and had committed adultery with divers persons, and praying for leave to bring in a bill for the dissolution of his marriage with her: And whereas it appears to this house by the affidavits accompanying the said petition and by the report of a committee appointed by the late house of assembly to inquire into the truth of the premises that the facts alleged in the said petition are true: And whereas this house did on the twenty-second day of February last give leave to the said Charles Rubey to bring in a bill agreeable to the prayer of his petition, he giving notice thereof in the Pennsylvania Gazette for three months, and it hath been proved to this house that notice hath been given accordingly:

Therefore,

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the marriage of the said Charles Rubey with the said Jane, be, and the same is hereby declared to be dissolved and annulled to all intents, constructions and purposes whatsoever. And the said Charles Rubey and the said Jane shall be, and they are hereby respectively declared to be separated, set free and totally discharged from their matrimonial contract, and from all duties and obligations to each other as husband and wife, as fully, effectually and absolutely to all intents and purposes as if they had never been joined in matrimony, or by any contract whatsoever, any law, usage or custom to the contrary thereof in anywise notwithstanding.

Passed September 20, 1782. Recorded L. B. No. 2, p. 147, etc.

## CHAPTER XXXIV.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT APPOINTING WARDENS FOR THE PORT OF PHILADELPHIA,"<sup>1</sup> AND TO THE ACT, ENTITLED "AN ACT TO PREVENT INFECTIOUS DISEASES BEING BROUGHT INTO THIS PROVINCE."<sup>2</sup>

(Section I, P. L.) Whereas it is of great importance to the interest of Pennsylvania that her commerce should be increased and extended by promoting and facilitating a commercial intercourse with the neighboring states whereby the number and quantity of exportable articles may be increased. And whereas the imposing of a duty of tonnage and other port charges on coasting vessels, for every trip or voyage, equal to the duties and charges imposed on vessels performing longer and less frequent voyages is found to be an impediment to such intercourse with the neighboring states:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all ships and vessels not exceeding the burden on measurement of fifty tons passing to or from any port within this state and to or from any other port or ports within the United States of America, shall be freed and exempted from the payment of any duty of tonnage whatsoever; and that all other ships and vessels passing in like manner between any port in this state and between any other port or ports in the said United States shall not be subject to the payment of the said duty more than once in every twelve months during the continuance of any such vessel or ship in such trade without going to any port not within the said United States, anything contained in the said act, entitled "An act appointing wardens for the port of Philadelphia, and for other purposes

<sup>1</sup> Passed February 26, 1773, Chapter 671.

<sup>2</sup> Passed January 22, 1774, Chapter 691.

therein mentioned,"<sup>3</sup> or any other law, usage or custom notwithstanding.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That any and every ship or vessel employed in the coasting trade between this state and any other port of the said United States and bringing into the port or ports of this state no other goods, wares or merchandise than those of the growth, produce or manufacture of the said United States or of some or one of them and such as may lawfully be imported free from duty or impost by the laws of this state shall be subject to the payment of seven shillings and six pence and no more for every entrance and clearance at the naval office, any law, usage or custom to the contrary notwithstanding.

(Section IV, P. L.) And whereas from the freedom of commerce and the admission of foreign vessels many ships or vessels may arrive in the river Delaware, the commanders or masters whereof may not be duly informed of the duties enjoined on them by the act, entitled "An act to prevent infectious diseases being brought into this province,"<sup>4</sup> and the penalties to which they may be subjected by not conforming to the regulations prescribed in and by the said act,

[Section III.] Be it therefore enacted by the authority aforesaid, That the wardens for the time being appointed by virtue of the said recited act shall cause an abstract of the said act to be made containing the substance of all such regulations and duties therein made and enjoined, as relate to the commanders, masters or persons having charge of ships or vessels bound to the port of Philadelphia, and have a competent number of copies of such abstracts printed in the English, French and German languages and distributed to an amongst the licensed pilots so as to enable each and every of the said pilots to furnish and deliver one of the said copies to the commander or master of each and every inward bound vessel he shall take charge of.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That it shall be the duty of each and every of

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<sup>3</sup> Ante.

<sup>4</sup> Ante.

the said pilots, and the same is hereby enjoined to deliver one of the said abstracts or copies to the commander or master of each and every inward bound ship or vessel he may take charge of as pilot or shall otherwise fully inform such commander or master of the nature and purport of the said regulations and of the duties thereby enjoined; and such pilot shall not presume to conduct such ship or vessel nearer to the city of Philadelphia than is consistent with the said regulations on pain of being suspended from exercising the duties and receiving the emoluments of a pilot for twelve months and paying a fine of fifty pounds for every such offense to be recovered and appropriated as is directed in and by the act to which this is a supplement.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the ballast of any ship or vessel judged or deemed infectious under the act to which this is a supplement shall not be brought up to the city of Philadelphia, the district of Southwark, or the Northern Liberties, but the same shall be thrown out or discharged at such place as the health officer may direct and appoint under the penalty of one hundred pounds to be recovered and appropriated as aforesaid.

Passed September 20, 1783. Recorded L. B. No. 2, p. 148, etc.

See the Act of Assembly passed January 22, 1774, Chapter 691.

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## CHAPTER XXXV.

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AN ACT TO RATIFY AND CONFIRM AN AGREEMENT MADE BETWEEN COMMISSIONERS APPOINTED BY THE LEGISLATURE OF THE STATE OF NEW JERSEY AND COMMISSIONERS APPOINTED BY THE LEGISLATURE OF THE STATE OF PENNSYLVANIA FOR THE PURPOSE OF SETTLING THE JURISDICTION OF THE RIVER DELAWARE, AND ISLANDS WITHIN THE SAME.

(Section I, P. L.) Whereas commissioners duly appointed on the part of the state of New Jersey and commissioners duly appointed on the part of the state of Pennsylvania for the purpose of settling the jurisdiction of the river Delaware and islands

within the same have executed two instruments of an agreement for the purposes aforesaid, one for each state, which agreement is contained in the following words:

An agreement made and concluded between George Bryan, George Gray, William Bingham, commissioners appointed by the legislature of the state of Pennsylvania for settling the jurisdiction of the river Delaware and the islands within the same; and Abraham Clark, Joseph Cooper and Thomas Henderson, commissioners appointed by the legislature of the state of New Jersey for the like purpose.

Whereas inconveniences and mischiefs have arisen and hereafter may arise from the uncertainty of jurisdiction within and on the river Delaware: Therefore to prevent the same and in order that law and justice may in all cases hereafter be executed and take effect within and upon the said river from shore to shore in all parts and places thereof where the same river is the boundary between the said states the said commissioners do agree and establish for and in behalf of their respective states in manner following: that is to say,

First. It is declared that the river Delaware from the station point or northwest corner of New Jersey northerly [six] to the place upon the said river where the circular boundary of the state of Delaware toucheth upon the same, in the whole length and breadth thereof, is and shall continue to be and remain a common highway, equally free and open for the use, benefit and advantage of the said contracting parties. Provided nevertheless, That each of the legislatures of said states shall hold and exercise the right of regulating and guarding the fisheries on the said river Delaware, annexed to their respective shores, in such manner that the said fisheries may not be necessarily interrupted during the season for catching shad by vessels riding at anchor on the fishing ground, or by persons fishing under claim of a common right on said river.

Secondly. That each state shall enjoy and exercise a concurrent jurisdiction within and upon the water, and not upon the dry land, between the shores of said river, but in such sort, nevertheless, that every ship and every vessel, while riding at anchor before any city or town in either state, where she hath

last laded or unladed, or where it is intended she shall first thereafter either lade or unlade, shall be considered exclusively within the jurisdiction of such state; and every vessel fastened to or aground on the shore of either state shall in like manner be considered exclusively within the jurisdiction of such state, but that all capital and other offences, trespasses or damages committed on said river, the judicial investigation and determination thereof shall be exclusively vested in the state wherein the offender or person charged with such offence shall be first apprehended, arrested or prosecuted.

Thirdly. That all islands, islets and dry lands within the bed and between the shores of the said river and between the said station point northerly and the falls of Trenton southerly, shall, as to jurisdiction, be hereafter deemed and considered as parts and parcels of the state to which such insulated dry land doth lie nearest at the time of making and executing this agreement; and that from said falls of Trenton to the state of Delaware southerly, Biles' island, near Trenton, Wind-mill island, opposite to Philadelphia, League island, Mud or Fort island, Hog island and Little Tinnic peace islands, shall be annexed to the state of Pennsylvania and considered as parts and parcels thereof; and that Biddle's or Newbold's island, Burlington island, Petty's island, Red Bank island, Harmanus Helm's island, Chester island and Shieve's island shall be annexed to the state of New Jersey and considered as parts and parcels thereof; and that all other islands within the said river between the falls of Trenton and the state of Delaware which are not herein before particularly enumerated shall be hereafter deemed and considered as parts and parcels of the state which such island doth lie nearest at the date hereof; and that all islands which may hereafter be formed within the said river shall be classed and annexed to the jurisdiction of either state according to the same principle.

Fourthly. That this present agreement, and every article and clause therein contained, shall be suspended, and take no effect until each of the legislatures of the state of Pennsylvania and New Jersey respectively shall have passed laws approving of and ratifying the same, which being done, the said agreement

shall then be considered as a joint compact between the said states and the citizens thereof respectively, and be forever thereafter irrevocable by either of the said contracting states, without the concurrence of the other.

In witness whereof we the commissioners of the aforesaid states have set our hands and seals to two instruments of the agreement, one for each state, dated this twenty-sixth day of April, Anno Domini one thousand seven hundred and eighty-three.

Abraham Clark (L. S.) George Bryan (L. S.)  
Joseph Cooper (L. S.) George Gray (L. S.)  
Thomas Henderson (L. S.) William Bingham (L. S.)

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the aforesaid agreement and every article, clause, matter and thing therein contained shall be and the same is hereby fully and amply ratified and confirmed and shall be and ever hereafter remain in force, agreeably to the true tenor and extent thereof.

Passed September 20, 1783. Recorded L. B. No. 2, p. 151, etc. See the Act of Assembly passed September 25, 1786, Chapter 1245.

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## CHAPTER MXXXVI.

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A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO APPROPRIATE CERTAIN MONEYS ARISING FROM THE EXCISE FOR THE PAYMENT OF THE ANNUAL INTEREST DUE ON UNALIENATED CERTIFICATES THEREIN MENTIONED," PASSED THE TWENTY-FIRST DAY OF MARCH LAST.<sup>1</sup>

(Section I, P. L.) Whereas doubts have arisen concerning [the meaning of] the fourth section of the act for appropriating certain moneys arising from the excise for the payment of the annual interest due upon unalienated certificates therein men-

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<sup>1</sup> Passed March 31, 1783, Chapter 1024.

tioned, whether provision hath thereby been made that the certificates which have remained unalienated until the first year's interest hath been or may be paid; shall entitle the bearer thereof to receive the interest which may afterwards accrue thereupon:

For remedy whereof,

[Section I.] (Section II, P. L.) Be it enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the possessor or possessors of all such depreciation certificates as shall have had one year's interest paid thereon agreeable to the act aforesaid, shall, from and after the tenth day of April next which will be in the year of our Lord one thousand seven hundred and eighty-four, and from and after the tenth day of April in each and every succeeding year, be entitled to receive one year's interest annually arising thereupon; and the comptroller general of this state is hereby authorized and directed to report to the supreme executive council the names of the person or persons so applying and the sums due to them respectively and the names of the persons for whose depreciation of pay the certificates respectively were granted and the supreme executive council shall thereupon order payment thereof in the manner prescribed by the act to which this is a supplement.

(Section III, P. L.) And whereas it hath been found by experience that requiring each and every [person] applying for the payment of the first year's interest of his or her depreciation certificate or certificates to attend personally and make oath before the comptroller general that the same hath not been transferred or alienated is attended with great expense and inconvenience to such as live remote which may be prevented by appointing proper persons in the respective counties to administer the oath directed to be taken by the act aforesaid.

[Section II.] Therefore be it enacted by the authority aforesaid, That the prothonotaries of the respective counties (Philadelphia, Bucks and Chester excepted) be and they are hereby authorized and empowered in their several and respective counties to administer the oath or affirmation aforesaid to each and

every person applying for the benefit of the act aforesaid, and to examine witnesses touching the alienation of any certificate produced to any of them, and shall certify the same to the comptroller general who shall thereupon proceed to settle and report for payment the interest of such certificates produced to him which shall have been thus attested to in the same manner as if the persons had personally attended and made oath before him, anything contained in the act to which this is a supplement to the contrary notwithstanding.

(Section IV, P. L.) And whereas sundry of the officers of the line of this state, and of the military hospital, in order to accommodate other officers of the said line have received a third part of the amount of their certificates in state money, who would otherwise not have done it, and given the same to the officers who wished to receive a greater proportion in state money than could be paid to them agreeable to law, at the same time receiving as much of the certificates for depreciation from the officers to whom they gave the state money, as amounted to the sum which they had respectively drawn, upon which certificates they are at present deprived from receiving the interest. And whereas in payment for forfeited estates purchased by officers in partnership, where each realized a part of his certificate in proportion to the amount of the certificates and the amount of the sales, several officers have paid the whole of their certificates to the agents of the forfeited estates in discharge of the purchase money, for want of change, and the company accounts have afterwards been settled, by repaying those officers that part of their certificates which they had not realized, in the divided parts of the certificates of those officers who had paid no part of the sales to the agents aforesaid, which being thus transferred, all are at present prevented from receiving the interest thereof:

In order therefore that justice may be done in these cases:

[Section III.] Be it enacted by the authority aforesaid, That where any officer possessed of the certificate [issued] for the depreciation of the pay of another officer, and which have been heretofore transferred to him in manner aforesaid, shall apply for the interest of the same, and it shall appear to the comp-

troller general by evidence or otherwise that the certificates were bona fide received by the person producing them, either in exchange for a like sum of state money, drawn to accommodate his brother officer, or in the purchase of forfeited estates from the divided parts or certificates of officers in the partnership, and not otherwise, the said comptroller general shall report for payment the interest thereof, in like manner with other certificates which remain unalienated.

Passed September 20, 1783. Recorded L. B. No. 2, p. 154, etc.

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## CHAPTER MXXXVII.

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### AN ACT FOR THE RELIEF OF WILLIAM BROWN, AN INSOLVENT DEBTOR CONFINED IN THE GAOL OF THE CITY AND COUNTY OF PHILADELPHIA FOR DEBT.

(Section I, P. L.) Whereas William Brown, late of the city of Philadelphia, baker, by his petition to this house, hath stated that by certain unforeseen events he suffered divers losses which rendered him unable to discharge the debts he had contracted, but that he was nevertheless desirous of doing justice to his creditors so far as lay in his power, for which purpose he assigned, conveyed and assured to trustees, for the use of his creditors a considerable real and personal estate in the state of New Jersey where he then resided, in the city of Philadelphia in this state, and in the county of Sussex in the state of Delaware, all which was sold for the benefit of his creditors at public sale, but for a price far below the first cost, and the respective value of them; by means whereof the whole of his [said] debts was not discharged, but the net proceeds of his estate was distributed among his creditors in proportion to their debts, after which one or more of his said creditors commenced process at law against him in the county of Gloucester in New Jersey aforesaid, by virtue whereof he was confined in the gaol of that county upwards of twelve months, until the legislature passed

an act for the relief of his person from imprisonment, after which the said William Brown removed with his family to this city, where he set up in business and was trusted by divers persons here who knew his circumstances, and relied on his personal integrity for their security, and that he was in a promising way to retrieve his affairs until one of his former creditors commenced a suit against him for the unsatisfied part of his old debt by virtue of which he is now confined as aforesaid. And the said William Brown in his petition to this house further stated that he had no property whatsoever, the household furniture now in use in his family having been purchased by his friends and lent to him from motives of compassion to him and his family.

(Section II, P. L.) And whereas it appears that the said William Brown hath fully complied with the directions of this house in giving proper notice in the newspapers of his application to this house for relief, and the facts stated in the said petition appearing to be well founded, the prayer of his petition is deemed reasonable:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and [by the authority] of the same, That the justices of the county court of common pleas in and for the city and county of Philadelphia or some three of them shall and they are hereby authorized and required upon the petition of the said William Brown to the to be for that purpose preferred, appoint a special court of common pleas to be held in the court house in this city on a certain day not less than fifteen nor more than twenty-five days after preferring the said petition, of which the said William Brown shall cause notice to be given in writing at the place of abode of his creditors residing within this state or their known attorneys at law or in fact, and to the creditors residing without this state by inserting the same in two newpapers of the city of Philadelphia at least ten days before the time of holding the said court, at [which] time and place the said justices shall cause the said William Brown to be brought before them and shall then and there in the presence of the said creditors, or such of them, (if any) as shall attend,

administer to him the following solemn oath or affirmation. (viz.)

(Section IV, P. L.) "I, William Brown, do swear, (or solemnly, sincerely, and truly declare and affirm), that the account by me delivered to this court [with] my petition to the same doth contain a true and perfect account of all my real and personal estate, debts, credits and effects whatsoever, which I, or any in trust for me, have, or at the time of my said petition had, or am or was in any respect entitled to, in possession remainder or reversion, (excepting the wearing apparel and bedding of myself, my wife and children not exceeding seventy-five pounds in value in the whole, and excepting also the household furniture and other family necessaries which were purchased by my friends and lent to me and which are now the actual property of my said friends, although kindly lent to me, and left in my possession) and that I have not since my imprisonment or before, sold, leased or assigned or otherwise disposed of or made over in trust for myself [or otherwise] (other than is mentioned in my petition and account) and part of my lands, estates goods, stock, money, debts or other real or personal estate whereby to have or expect any future benefit or profit to myself or any part of my family or to defraud any of my creditors."

(Section V. P. L.) And the said William Brown having taken the said affirmation and his creditors, if any, shall appear [failing] to disprove the same or to discover any effect of the said William Brown not mentioned or comprised in his petition or the account therewith exhibited; and the said William Brown having executed a short indorsement on the said petition containing an assignment of all his own estate, real and personal whatsoever and wheresoever, to any two or three of his creditors to be named by the court for the use of all of them in equal proportions, according to their respective debts, (which said assignment shall be sufficient at law and in equity to vest in the assignees all the right, title, property and interest of the said William Brown in the premises, in their own right but for the use of all the creditors and shall enable them in their own names to take possession thereof and to commence and prosecute suits for the recovery thereof, which [shall] not be released or dis-

continued by any act of the said William Brown, then the said court shall forthwith order and cause the said William Brown to be discharged from his imprisonment and dismissed from all process depending against him for any debts whatsoever in any courts or before any jurisdictions within this state.

[Section II.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the person of the said William Brown shall never be imprisoned nor the household furniture lent to him by his friends and now in his possession, (which shall be mentioned in an inventory to be indorsed on or annexed to his petition to the said court,) shall not be liable to be attached or levied upon to satisfy any debt whatsoever contracted by him before the time of his discharge in pursuance of this act, saving nevertheless the rights of the lenders to resume the possession thereof by all lawful ways and means whenever they shall think proper.

[Section III.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if the said William Brown shall at any time within six years be prosecuted for and duly and legally convicted of making a false and corrupt oath or affirmation in any matter or thing contained in the oath or affirmation herein above described, by him to be made, then and in such case he shall be liable to suffer all the pains and penalties which by the laws of the land may be inflicted on persons convicted of wilful and corrupt perjury and shall forfeit all the benefit and exemption from imprisonment by this act intended and enacted for him.

Passed September 20, 1783. Recorded L. B. No. 2, p. 156, etc.

CHAPTER XXXVIII.

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AN ADDITIONAL SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA." <sup>1</sup>

[Section I, P. L.] Whereas by the present militia laws of this state the militia cannot be assembled in less than three days after notice given: And whereas the peace and good order of government may be interrupted by sudden and dangerous tumults and riots, for the suppression of which the immediate aid of the militia may be expedient and necessary.

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act it shall and may be lawful for the supreme executive council and they are hereby empowered when it may be necessary and expedient for the support of the civil authority in preserving peace and good order within this commonwealth to order into immediate and actual service the whole or such part of the militia of the city of Philadelphia or of any county or counties as the exigency of the case may require.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the several and respective officers and privates of the militia so called up or ordered as aforesaid shall be liable to the same fines and penalties for refusing or neglecting to perform the service required of them by this act as by the law to which this is a supplement they are or may be liable to for neglecting or refusing to perform a tour of duty.

Passed September 22, 1783. Recorded L. B. No. 2, p. 160, etc.

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<sup>1</sup> Passed March 20, 1780, Chapter 902.

CHAPTER XXXIX.

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AN ACT FOR LEVYING A DUTY ON CERTAIN ENUMERATED ARTICLES AND AN IMPOST OF FIVE PER CENTUM AD VALOREM ON ALL OTHER GOODS, WARES AND MERCHANTISE IMPORTED INTO THIS STATE, AND A TAX UPON REAL AND PERSONAL PROPERTY FOR THE DISCHARGE OF THE DEBTS OF THE UNITED STATES OF AMERICA, AGREEABLE TO ACTS OF CONGRESS THEREIN RECITED, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the honorable congress of the United States of America by their act of the eighteenth day of April, one thousand seven hundred and eighty-three, did resolve, That it be recommended to the several states as indispensably necessary to the restoration of public credit and to the punctual and honorable discharge of the public debts to invest the United States in Congress assembled with a power to levy for the use of the United States the following duties upon goods imported into the said states from any foreign port, island or plantation; upon all rum of Jamaica proof, per gallon, four ninetieths of a dollar; upon all other spiritous liquors, three ninetieths ditto; upon Maderia wine, twelve ninetieths ditto; upon all other wines, six ninetieths ditto; upon common Bohea tea per pound six ninetieths ditto; upon all other teas, twenty-four ninetieths ditto; upon pepper per pound three ninetieths ditto; upon brown sugar per pound, one-half ninetieth ditto; upon loaf sugar, two ninetieths ditto; and upon all other sugars one ninetieth ditto; upon molasses, per gallon, one ninetieth ditto; upon cocoa and coffee per pound, one ninetieth ditto; upon all other goods a duty of five per centum ad valorem at the time and place of importation: Provided that none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts contracted on the faith of the United States for supporting the war, agreeably to the resolution of the sixteenth day of December last, nor be continued for a longer term than twenty-five years: And provided that the

collectors of the said duty shall be appointed by the states within which their offices are to be respectively exercised but when so appointed shall be amenable to and be removable by the United States in congress assembled alone: And in case any state shall not make such appointment within one month after notice given for that purpose the appointment may be made by the United states in congress assembled.

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the United States in congress assembled, shall be and they are hereby fully authorized and empowered to levy for the use of the United States aforesaid the following duties upon goods imported into this state from any foreign port, island or plantation not within [any of] the United States; upon all rum of Jamaica proof, per gallon, four ninetieths of a dollar; upon all other spiritous liquors, three ninetieths of a dollar; upon Madeira wine, twelve ninetieths of a dollar; upon all other wines six ninetieths of a dollar; upon common Bohea tea, per pound, six ninetieths of a dollar; upon all other teas twenty-four ninetieths of a dollar; upon pepper per pound, three ninetieths of a dollar; upon brown sugar per pound one half ninetieth of a dollar; upon loaf sugar, two ninetieths of a dollar; upon all other sugars one ninetieth of a dollar; upon molasses per gallon one ninetieth of a dollar; upon cocoa and coffee per pound, one ninetieth of a dollar; and upon all other goods, a duty of five per centum, ad valorem, at the time and place of importation; for and during the term of twenty-five years.

[Section II.] (Section III, P. L.) Provided always and be it further enacted by the authority aforesaid, That the said duties shall be applied to the discharging of the interest or principal of the debts contracted on the faith of the United States for supporting the war, agreeable to the resolution of the United States in Congress of the sixteenth day of December last. And the supreme executive council of this state shall, as often as occasion may be, appoint the collectors of the duties aforesaid; which collectors so appointed shall be amenable to removable

by the United States in congress alone. And in case the supreme executive council of this state shall not make such appointment within one month after notice given to them for that purpose, the appointment may be made by the United States in congress assembled.

[Section III.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That before any of the aforesaid collectors or their successors shall enter upon the execution of the duties of their respective offices each and every of them shall make oath or affirmation for the faithful discharge of the same and shall enter into bonds with two sufficient sureties to the president or vice-president of the supreme executive council for the faithful discharge of their respective duties and for the accounting for and paying all such sums of money as they shall from time to time receive by virtue of this act.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That every such collector shall be entitled to such commissions for their services on the whole of the moneys by them received and paid by virtue of this act as congress shall hereafter allow.

(Section VI, P. L.) And whereas the congress of the United States by their act of the eighteenth day of April, one thousand seven hundred and eighty-three aforesaid, did resolve that it be further recommended to the [states several] to establish for a term limited to twenty-five years and to appropriate to the discharge of the interest and principal of the debts contracted on the faith of the United States for supporting the war substantial and effectual revenues of such nature as they may judge most convenient for supplying their respective proportions of one million five hundred thousand dollars annually, exclusive of the afore mentioned duties which proportion to be fixed and equalized from time to time according to the rule which is or may be prescribed by the articles of confederation; provided that until the rule of the confederation can be carried into practice the proportion of the state of Pennsylvania of the said one million and five hundred thousand dollars shall be two hundred and five thousand one hundred and eighty-nine dollars:

[Section V.] (Section VII, P. L.) Be it therefore enacted by the

authority aforesaid, That the said proportion of the one million five hundred thousand dollars as aforesaid annually for the term of twenty-five years shall be raised and levied on the persons and estates of the inhabitants of this state for the uses and purposes aforesaid in such manner as the legislature of this commonwealth shall from time to time hereafter direct: Provided always that if any of the annual proportions of the one million two hundred and five thousand one hundred and eighty-nine dollars aforesaid shall be otherwise raised and paid to the United States for the uses and purposes aforesaid then such annual levy or tax shall be discontinued.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the money to be raised by virtue of this act shall be and it hereby is appropriated to the discharge of the interest and principal of the debts contracted on the faith of the United States for supporting the war.

[Section VII.] (Section IX, P. L.) Provided always and be it enacted by the authority aforesaid, That this act shall not take effect until each and every of the thirteen United States shall make laws conformable to the acts of congress on which this act is founded.

(Section X, P. L.) And whereas congress did on the eighteenth day of April aforesaid, resolve, That an annual account of the proceeds and application of all the aforementioned revenues should be made out and transmitted to the several states, distinguishing the proceeds of each of the specified articles and the amount of the whole revenue received from each state, together with the allowances made to the several officers employed in the collection of the said revenues.

[Section VIII.] (Section XI, P. L.) Be it therefore enacted by the authority aforesaid, That the said accounts when made out in the form and manner aforesaid and transmitted to the supreme executive council shall forthwith be transmitted to the comptroller-general of this state, who shall enter the same in fair and separate books and shall lay the said books before the assembly of this state or the supreme executive council when thereto required; and for the satisfaction of the good people of

this state the said accounts shall be published by the said comptroller as often as the assembly shall direct.

[Section IX.] (Section XII, P. L.) And be it enacted by the authority aforesaid, That the act entitled "An act to vest in the congress of the United States a power to levy duties of five per centum ad valorem on certain goods and merchandise imported into this commonwealth and on prizes and prize-goods condemned in the court of admiralty of this state after the first day of May, one thousand seven hundred and eighty-one, and appropriating the same,"<sup>1</sup> passed the fifth day of April, one thousand seven hundred and eighty-one, and every clause, matter and thing therein contained, be and the same is hereby repealed and made void.

Passed September 23, 1783. Recorded L. B. No. 2, p. —. See the Act of Assembly passed March 16, 1785, Chapter 1137; April 8, 1786, Chapter 1226.

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## CHAPTER XL.

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### A FURTHER SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR ACKNOWLEDGING AND RECORDING OF DEEDS."<sup>1</sup>

(Section I, P. L.) Whereas in and by an act of the general assembly of the late province of Pennsylvania now in force within this commonwealth, entitled "An act for acknowledging and recording of deeds," passed the twenty-eight day of May, one thousand seven hundred and fifteen it is provided that no deed or mortgage or defeasible deeds in the nature of mortgages thereafter to be made should be good or sufficient to convey or pass any freehold or inheritance or to grant any estate therein for life or years unless such deed be acknowledged or proved and recorded within six months after the date thereof where such lands lie:

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<sup>1</sup> Passed April 5, 1781, Chapter 937.

<sup>1</sup> Passed May 28, 1715, Chapter 208.

(Section II, P. L.) And whereas the interruptions of the war, the expiring of the proper officer's commissions by the late revolution, the invasion of the enemy, and other causes may have prevented many mortgages or defeasible deeds in the nature of mortgages made and executed between the first day of January, in the year of our Lord one thousand seven hundred and seventy-six and the eighteenth day of June, in the year of our Lord one thousand seven hundred and seventy-eight from being acknowledged or proved and recorded within the times limited by the said act whereby many of the citizens of this commonwealth may lose their just demands unless provision be made by law to prevent the same:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all mortgages and defeasible deeds in the nature of mortgages, of any lands, tenements or hereditaments within this commonwealth made and executed at any time or times between the said first day of January, one thousand seven hundred and seventy-six and the said eighteenth day of June, one thousand seven hundred and seventy-eight which hath or have at any time or times since the date or dates thereof been acknowledged or proved and recorded and which shall within six months from and after the passing of this act be acknowledged or proved and recorded in the manner directed in and by the said recited act shall be as good and effectual in law to all intents and purposes (except as hereinafter is provided) as if the same had been acknowledged or proved and recorded within the time limited in and by the said recited act.

[Section II.] (Section IV, P. L.) Provided always nevertheless, That nothing in this act contained shall extend to or be deemed or construed to operate against any subsequent judgment, statute, recognizance, attainer, forfeiture, or lien whatsoever or against any subsequent bona fide mortgagee or mortgagees, purchaser or purchasers of any estate, lands, tenements or hereditaments, mentioned or contained in any such prior deed or mortgage, or defeasible deed in nature of a mort-

gage, who shall have taken such subsequent mortgage, or made such subsequent purchase, before such prior mortgage, or de-feasible deed in nature of a mortgage, was or shall be acknowledged or proved and recorded agreeable to the directions of this act.

Passed September 23, 1783. Recorded L. B. No. 2, p. 165, etc.  
See the note to the Act of Assembly passed May 28, 1715, Chapter 208.

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## CHAPTER MXLI.

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### AN ACT FOR INCORPORATING ST. PAUL'S CHURCH, IN THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas divers members of the Episepal church formerly in communion with the church of England, did many years ago at a very considerable expense, erect and build an house for the public worship of God in the city of Philadelphia, which they nominated and styled St. Paul's Church, by certain constitutions and a special agreement vesting the same church, together with the lot of ground on which it is constructed in certain persons in trust. And whereas the survivors of the said trustees, together with the present vestrymen of the above named church have set forth and represented the disadvantages which they have sustained and yet experience from the want of legal power and consideration as a politic and corporate body; and also have petitioned that they the said survivors together with the other members of the religious society who assemble in the asid church may be incorporated and furnished with the due and customary privileges in this behalf and that they may have perpetual succession. And whereas it is just and proper and perfectly consistent with the true [intention] and spirit of the constitution that the prayer of their said petition be granted:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the

Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the Reverend Samuel Magau, Doctor of Divinity, rector or minister of the said church, John Wood and Lambert Wilmer, the present wardens, and Plunket Fleeson, John Young, Andrew Doz, George Goodwin, John Campbell, George Ord, Blair McClenachan, William Graham, George Glentworth, Joseph Bullock, Samuel Penrose, George Nelson, Richard Renshaw, Joseph Turner, John Keble, John Bates, James Doughty and Benjamin Towne, grocer, present vestrymen of the said church and their successors duly elected and nominated in their place and stead be, and they are hereby made and constituted a corporation and body politic in law and in fact to have continuance forever by the name and title of "The Minister Church Wardens and Vestrymen of the Episcopal Church of St. Paul's, in the city of Philadelphia in the commonwealth of Pennsylvania."

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said minister, church wardens and vestrymen and their successors by the name and title aforesaid shall forever hereafter be persons able and capable in law to purchase, have, receive, take, hold and enjoy in fee simple, or of any lesser estate or estates any lands, tenements, rents, annuities, liberties, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic or corporate, capable to make the same; and further that the said corporation may take and receive any sum or sums of money and any kind, manner or portion of goods and chattels that shall be given or bequeathed to the said minister, church wardens and vestrymen, and their successors, by any person or persons, bodies politic and corporate capable to make a gift or bequest thereof, such money, goods and chattels, to be laid out by them, in a purchase or purchases of lands, tenements, mes- suages, houses, rents, annuities or hereditaments to them and their successors forever.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the rents and revenues, profits and interest of the said church and corporation shall by the said

minister, church wardens and vestrymen and their successors from time to time be appointed for the maintenance and support of the minister or ministers and officers of the said church and for the necessary repairs of the said church, burial ground, church yard, parsonage house or houses and other tenements which do now or hereafter may or shall belong to the said church and corporation; and to no other use or purpose whatsoever.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said minister, church wardens and vestrymen, and their successors, shall and may grant, alien or otherwise dispose of any messuages, houses, lands, tenements or hereditaments other than the site of the house of public worship or church aforesaid and the burial ground or grounds which they do now or may hereafter possess as to them may seem meet and proper.

[Section V.] (Section VI, P. L.) Provided always and be it further enacted by the authority aforesaid, That in the disposition, sale or alienation of such messuages, houses, lands, tenements and hereditaments, the consent and concurrence of two-thirds of the vestry shall be had and obtained and also the moneys arising from the said disposition or sale shall be appropriated to the purchasing and procuring other more convenient messuages, houses, lands or tenements as the aforesaid majority of the vestry may deem proper and expedient and to no other purpose or purposes whatsoever.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said minister, church wardens and vestrymen and their successors or a majority of them shall and may convene from time to time to make rules, by-laws and ordinances, and to transact everything requisite for the good government and support of the said church. Provided always, That the said rules, by-laws and ordinances be not repugnant to the laws and statutes in force within this commonwealth, and that they be consonant to the usages and customs of the said church.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said minister, church war-

dens and vestrymen shall have full power and authority to make, have and use one common seal with such device or devices and inscription as they shall think proper and the same to change, break, alter and renew at their pleasure.

[Section VIII.] (Section IX.) And be it further enacted by the authority aforesaid, That the said minister, church wardens and vestrymen, and their successors, by the name before mentioned shall be able and capable in law to sue and be sued, plead and be impleaded in any court or courts, before any judge or judges, justice or justices, in all and all manner of suits, complaints, causes, matters and demands of whatsoever kind, nature or form they be, and all and every other matter and thing therein to do in as full and effectual a manner as any other person or persons, bodies politic or corporate in this commonwealth in the like cases may or can do.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the vestry of the said church shall always consist of twenty persons, members of the said church, of which number the church wardens are always to be two; and that the election of such vestry shall be made every year on Easter Monday or some day in the same week, of which the said congregation shall have notice, by a majority of such members of the said church as shall appear by the vestry books to be contributors to the support and maintenance of the said church, having and paying for a pew, or part of a pew, sufficient for one person at the least, and to be of full age, who only shall have a right to vote for the vestrymen of the said church.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said vestry so elected shall have full power to elect and choose annually and every year two of their number to be church wardens of the said church. Provided always, nevertheless, That in case of the death or removal of the rectors or principal minister of the said church from the death or removal of such minister and until another minister shall be duly appointed and approved for the said church agreeably to former method and usage the church wardens for the time being with the consent of the major part of the vestrymen in vestry met shall have the same powers and au-

thorities relating to the disposition of the rents and revenues of the said corporation as is herein before vested in the minister, church wardens and vestrymen.

[Section XI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That certain "agreements, concessions and constitutions made, concluded and agreed on by and between the subscribers and contributors" to the church above named, which agreements and constitutions bear date on the twenty-fourth day of June, in the year of our Lord one thousand seven hundred and sixty, are and shall be of full force and operation except so far as there is provision otherwise appointed and made specially by this act; and except the restricting clause relative to the ordination of the minister or assistant minister or ministers by a bishop of the church of England in Great Britain or Ireland.

[Section XII.] (Section XIII.) And it is hereby enacted by the authority aforesaid, That the clear yearly value of the mes-suages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation shall not exceed the sum of one thousand pounds lawful money of the state of Pennsylvania, exclusive of the moneys arising from the letting of the pews belonging to the said church; and also exclusive of the moneys arising from the opening of the ground for burials in the church yard belonging to the said church; which said moneys shall, as they are now, be received and disposed of by the church wardens and vestrymen for the time being, for the purposes herein before mentioned and directed.

Passed September 23, 1783. Recorded L. B. No. 2, p. 167, etc. See the Acts of Asembly passed March 4, 1786, Chapter 1207; October 3, 1788, Chapter 1368.

## CHAPTER XLII.

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AN ACT FOR THE RELIEF OF FRANCIS MURRAY, JOHN DUGUID,  
ROBERT PATTON, WILLIAM CRAWFORD, ANDREW DOVER, THOMAS  
JENNEY AND ANDREW ROBINSON, LATE OFFICERS OF THE PENN-  
SYLVANIA LINE, IN THE SERVICE OF THE UNITED STATES.

(Section I, P. L.) Whereas, Francis Murray, John Duguid, Robert Patton, William Crawford, Andrew Dover, Thomas Jenney and Andrew Robinson, late officers of the Pennsylvania line were by the fate of war and whilst in the service of their country made captives by the enemy: And whereas during their captivity the reduction and new arrangement of the army in October, one thousand seven hundred and eighty had taken place by order of congress by which they were excluded from the promotion which their early entrance into the army and service of the United States justly entitled them to, and were afterwards omitted in the return of the supernumeraries under the resolution of the first of January, one thousand seven hundred and eighty-one. And whereas every encouragement and reward is due to the patriotism and extraordinary exertions of the army:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said Francis Murray, John Duguid, Robert Patton, William Crawford, Andrew Dover, Thomas Jenney and Andrew Robinson be and they are hereby entitled to receive every emolumnt and advantage granted to officers of the Pennsylvania line by an act of general assembly of this commonwealth, passed the first day of March, in the year of our Lord one thousand seven hundred and eighty, entitled "An act for the more effectual supply and honorable reward of

the Pennsylvania troops in the service of the United States of America,"<sup>1</sup> according to the following ranks; that is to say;

Francis Murray, Lieutenant Colonel; John Duguid, Robert Patton, William Crawford, Captains; Andrew Dover, Thomas Jenney, Andrew Robinson, Lieutenants.

Any law or resolution heretofore made to the contrary in any-wise notwithstanding.

Passed September 23, 1783. Recorded L. B. No. 2, p. 171, etc.

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## CHAPTER XLIII.

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### AN ACT TO DISSOLVE THE MARRIAGE OF PETER SUMMERS AND CATHARINE, HIS WIFE.

(Section I, P. L.) Whereas Catharine Summers of the city of Philadelphia, wife of Peter Summers of the said city, victualler, hath represented to the general assembly of this state that her husband, Peter Summers, hath separated himself from her bed and her board, and hath, since his intermarriage with her frequently beat her in a most cruel and inhuman manner and hath estranged his affections from her and placed them on other women and hath within the period aforesaid frequently committed the heinous sin of adultery and hath boasted of such his crime, and hath prayed the general assembly aforesaid to grant her leave to bring in a bill to dissolve her from her marriage with the said Peter Summers and the said general assembly willing to ascertain the truth of the said facts that justice may be done in the premises, and being thoroughly convinced of the truth of the said facts on a proper and legal examination having taken place in the presence of the said parties before a committee of this general assembly who have reported the testimony before them:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the

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<sup>1</sup> Passed March 1, 1780, Chapter 880.

Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the marriage of the said Catharine Summers with the said Peter Summers be and is hereby declared to be dissolved and annulled to all intents and purposes whatsoever; and the said Catharine Summers and Peter Summers shall be and they are hereby henceforth respectively declared to be separated, set free and totally discharged from their matrimonial contract and from all duties and obligations to each other as wife and husband as fully, effectually and absolutely to all intents and purposes as if they had never been joined in matrimony or by any other contract whatsoever, any law, usage or custom to the contrary notwithstanding.

Passed September 23, 1783. Recorded L. B. No. 2, p. 173, etc.

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#### CHAPTER XLIV.

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##### AN ACT TO CONFIRM THE TITLE OF JOSHUA RUSSELL TO CERTAIN LANDS THEREIN MENTIONED.

(Section I, P. L.) Whereas Archibald Morrison of the county of York and township of Cumberland was seized in fee in his life time of a certain messuage and plantation or tract of land situated lying and being in the township and county aforesaid, and bounded as follows, that is to say, beginning at a post, thence by lands formerly belonging to John McFarland now Robert Laird, south fifty-seven degrees east, one hundred and six perches and seven tenths to a black oak tree, thence south seventy-two degrees east, seventy-six perches to a red oak tree, thence north forty-six degrees and a quarter east, seventeen perches and four-tenths to a post, thence by Hugh Murphy's land, south twenty-five degrees east, twenty-seven perches to a post, thence by lands of said Hugh Murphy, south fifty-nine perches to a Spanish oak, thence south twelve degrees west, thirty-one perches to a post, thence south thirty degrees west, seventy-one perches and a half to a post, thence north forty-

four degrees west, fourteen perches to a post, thence south fifty degrees and a half west, fifty-two perches to a post, thence by lands of James Riddle, north forty degrees and a half west, ninety-seven perches and three-tenths to a post, thence by lands belonging to the heirs of Archibald Morrison, deceased, north forty-one degrees and three quarters east ten perches to a post, thence by the same north thirty-five degrees west one hundred and fifty-six perches and eight-tenths to a post, thence by lands belonging to the heirs of John Laird north forty-one degrees and three quarters east seventy-seven perches and three-tenths to the place of beginning, containing two hundred acres and allowances commonly called "Morrison's Ridge," together with all the appurtenances thereunto belonging: And being so seized thereof, died intestate, whereby the said messuage and plantation or tract of land descended to the children of the said Archibald Morrison: And whereas the children of the said Archibald Morrison, deceased, did authorize and empower Archibald Morrison, Junior, of the township and county aforesaid, to grant, bargain and sell the aforesaid messuage and plantation and to execute and acknowledge a good and lawful conveyance for the same: And whereas the said Archibald Morrison, Junior, in pursuance and by virtue of the said authority, did, in fact, by a written agreement under the hand and seal of the said Archibald Morrison, Junior, bearing date the twenty-seventh day of November, Anno Domini one thousand seven hundred and seventy-seven, for the consideration of four hundred and fifteen pounds therein mentioned grant, bargain and sell to the said Joshua Russell and to his heirs and assigns the aforesaid messuage and plantation or tract of land; and the said Archibald Morrison, Junior, did in his lifetime receive part of the said consideration, and his administrators since his death have received the residue: And whereas the said Archibald Morrison, Junior, after executing the said agreement with the said Joshua Russell, and receiving a part of the money therein mentioned, hath died intestate, whereby the title of the said Joshua Russell to the aforesaid messuage and plantation is rendered imperfect, and it is highly just and reasonable that the said Joshua Russell having complied with his contract and paid the whole consid-

eration money therein mentioned should have his title established and confirmed.

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the above described messuage and plantation or tract of land with the appurtenances are and shall be vested in the said Joshua Russell and his heirs; and that the said Joshua Russell and his heirs now do stand and from and after the publication of this act shall stand seized of the above mentioned premises and every part and parcel thereof with the appurtenances to and for the only proper use, benefit and behoof of the said Joshua Russell, his heirs and assigns forever, in the manner and to all intents and purposes as if the said Archibald Morrison, Junior, had executed a deed in due form of law to the said Joshua Russell his heirs and assigns to the only use benefit and behoof of the said Joshua Russell his heirs and assigns forever.

[Section II.] (Section III, P. L.) Provided always, That the said Joshua Russell and his heirs shall hold the above described messuage and plantation under and subject to such quit rents, or other rents, estates and incumbrances, as are or may be, legally charged on the same or any part or parcel thereof.

Passed September 23, 1783. Recorded L. B. No. 2, p. 174, etc.

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## CHAPTER XLV.

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AN ACT TO GRANT THE RIGHT OF PRE-EMPTION TO AN ISLAND, KNOWN BY THE NAME OF MONTOUR'S ISLAND, IN THE OHIO RIVER, IN BRIGADIER GENERAL WILLIAM IRVINE.

(Section I, P. L.) Whereas Brigadier General William Irvine during his separate command at Pittsburg, hath rendered essential service to this state particularly the frontier settlements thereof, in consideration whereof,

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the island situated in the Ohio river below Pittsburgh known by the name of Montour's island and every part thereof be and the same is hereby granted unto the said William Irvine in fee, to have and to hold the same unto him, his heirs and assigns forever; subject to such purchase money as a future house of assembly may direct.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the supreme executive council be and they hereby are empowered to direct the surveyor general of this state at the proper cost and charge of the said William Irvine to lay out the said island and cause it to be returned into the office for confirmation.

[Section III. (Section IV, P. L.) Provided always, That nothing in this act shall be taken or deemed to bar any person or persons their heirs or assigns who may have obtained any just and lawful right to the said island or any part thereof before the passing of this act.

Passed September 24, 1783. Recorded L. B. No. 2, p. 176, etc. See the Act of Assembly passed March 28, 1799, Chapter 2036.

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## CHAPTER XLVI.

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AN ACT FOR THE AFFORDING INDEMNITY TO THOMAS HUTCHINS, ESQUIRE, FORMERLY A CAPTAIN AND ENGINEER IN HIS BRITANNIC MAJESTY'S SERVICE, AND NOW GEOGRAPHER TO THE UNITED STATES.

(Section I, P. L.) Whereas by a memorial from Thomas Hutchins, esquire, formerly a captain and engineer in his Britannic Majesty's service and now geographer to the United States, it appears that whilst he acted in the former character at the British port of Pensacola and settled the public account of that department, he, not being supplied with money, gave the artificers

employed on the public works certificates, in which he obliged himself to be responsible to them, whenever that government should furnish him with money for the purpose of discharging their respective accounts: And whereas it is set forth and asserted by the said Thomas Hutchins that the British government hath not furnished him with money for the purpose before mentioned:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That no writ or action of civil process shall be brought or sued against him for or on account of moneys due from him to any person or persons on the certificates aforesaid until it shall appear that the British government hath furnished him with moneys for the discharge thereof agreeable to his engagements.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any such suit or action shall be brought against the said Thomas Hutchins it shall be lawful for the court out of which such writ hath issued or the justice who may have issued any summons or warrant against the said Thomas Hutchins for or on account of any certificate or certificates given as aforesaid, and they are hereby respectively required to quash such writ, summons or warrant, as the case may be on the return thereof, and order the plaintiff to pay the costs of such writ, warrant or summons provided the said Thomas Hutchins first makes it appear to the satisfaction of the court out of which the writ issued or to the satisfaction of the justice who may have issued the warrant or summons that the said process hath issued on account of any certificate or certificates given as aforesaid by the said Thomas Hutchins.

Passed September 24, 1783. Recorded L. B. No. 2, p. 177, etc.

## CHAPTER XLVII.

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AN ACT FOR THE RELIEF OF JOSEPH JUDSON, SHEM THOMPSON AND LAWRENCE POWELL, INSOLVENT DEBTORS, CONFINED IN THE GAOL OF THE CITY AND COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas Joseph Judson, Shem Thompson and Lawrence Powell, prisoners, confined in the gaol of the city and county of Philadelphia for debt, by their petitions to this house have severally and respectively set forth that by reason of divers losses and misfortunes they are wholly unable to satisfy their several and respective creditors, and have prayed that they may be discharged from further confinement; and it appearing that the said Joseph Judson, Shem Thompson and Lawrence Powell have fully complied with the directions of this house in giving proper notice in the newspapers of their several applications and the prayer of their said petitions being found reasonable and just.

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the county court of common pleas, in and for the city and county of Philadelphia, (by the process of which court the said Joseph Judson, Shem Thompson and Lawrence Powell have been committed) be and they are hereby authorized and required upon the several and respective petitions of the said Joseph Judson, Shem Thompson and Lawrence Powell to grant unto them, and to each of them the like relief as by the laws now in force within this state is provided for insolvent debtors who are confined in execution for debt not exceeding one hundred and fifty pounds to any one person.

[Section II.] (Section III, P. L.) And be it also further enacted by the authority aforesaid, That the same court upon such petitions being made to them by the said Joseph Judson, Shem Thompson and Lawrence Powell, for the several and respec-

tive discharges as aforesaid shall thereupon proceed in all things (except as is hereinafter excepted) conformably to the purport, intent and meaning of the several acts of assembly now in force in this commonwealth for the relief of insolvent debtors not owing more than one hundred and fifty pounds to one person as aforesaid, that their several and respective discharges be equally valid and effectual and their proceedings equally good and binding to all intents and purposes whatsoever.

[Section III.] (Section IV, P. L.) Provided always and be it further enacted by the authority aforesaid, That if any creditor or creditors of the said Joseph Judson, Shem Thompson and Lawrence Powell or either of them, do not, or shall not reside in this state at the time of such proceedings before said court that the service of notice of application to the said court, or of any rule or order of the same court in the premises, on the known agent or attorney of such creditor or creditors within this state shall be equally good and effectual as if the same notice or notices were served on such creditor or creditors in person.

[Section IV.] (Section V, P. L.) Provided also that the said Joseph Judson, Shem Thompson and Lawrence Powell or either of them shall not be debarred the benefit hereby intended to be granted to them, and each of them, by reason that they, or either of them have not resided within this commonwealth for the space of two years next before his or their imprisonment.

Passed September 24, 1783. Recorded L. B. No. 2, p. 178, etc.

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## CHAPTER XLVIII.

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### AN ACT FOR CONFIRMING THE ESTATE OF GEORGE ROTH IN CERTAIN LANDS, THE TITLE DEED BEING LOST.

(Section I, P. L.) Whereas George Roth of Marlborough township in the county of Philadelphia in the commonwealth of Pennsylvania, Yeoman, on the seventeenth day of February in

the year of our Lord one thousand seven hundred and seventy-three mortgaged a certain messuage or tenement, plantation and five several pieces or tracts of land, four of them lying in Marlborough township in the county of Philadelphia aforesaid, the one of them beginning at a white oak of his other land, thence by the same northwest ninety-five perches to a white oak, thence by his other land northeast, one hundred and fifty-six perches and a half to a stone, thence by the same and land of Peter Heist and Philip Mood southeast one hundred and sixty-eight perches to a white oak, thence by a small tract of the said George Roth, southwest fifty perches and an half to a stone, a corner of Philip Reed's land, thence by the same south seventy-nine degrees and an half west, one hundred and twenty-nine perches to the place of beginning, containing one hundred and thirty-two acres and thirty-four perches, and the allowance for roads and highways; the second of them beginning at a white oak, a corner of the said George Roth's other land, thence by the same southeast ninety-five perches to a white oak in the line of the said Philip Reed's land, thence by the same south eighty-one degrees west fifty-four perches and four-tenths to a stone in the line of George Michael Rider's land, thence by the same northwest, sixty-three perches to a post, thence by the said Rider's other land northeast forty-four perches to the place of beginning, containing twenty acres and an half and the allowance as aforesaid; the third of them beginning at a stone in the line of the said Philip Reed's land, thence by the same northeast twenty-five perches to a stone, a corner of Adam Hillegass' land, thence by the same southeast fifty-seven perches and eight-tenths to a stone and southwest twenty-five perches to a stone in the line of Andrew Ohl's land, thence by the same northwest sixty-seven perches and eight-tenths to the place of beginning, containing ten acres and the allowance as aforesaid; the fourth of them beginning at a stone a corner of the said George Roth's other land, thence by the same, and by the land of the said Philip Mood northeast, sixty-four perches to a post, a corner of Philip Reed's land, thence by the same southeast twenty perches to a post, and south sixty-two degrees and twenty minutes west, sixty-seven .

perches to the place of beginning, containing four acres and the allowance aforesaid; and the fifth of them situated in upper Hanover township in the county of Philadelphia aforesaid; beginning at a white oak, a corner of George Michael Rider's land, thence by the same northwest thirty perches and an half to a stone, a corner of Leonard Thomas' land, thence by the same north forty-six degrees and an half east, one hundred and fifty-six perches and an half to a stone, a corner of Jacob Schaffer's land, thence by the same southeast, twenty-four perches to a stone, a corner of the said George Roth's other land, thence by the same south forty-four degrees west, one hundred and fifty-six perches and an half to the place of beginning, containing twenty-six acres and one hundred perches, to Daniel Roberdeau of the city of Philadelphia, in the commonwealth aforesaid, merchant, to secure the payment of three hundred pounds, lawful money of Pennsylvania aforesaid, and the interest thereof. And whereas the said Daniel Roberdeau by an instrument in writing bearing date the twenty-seventh day of August, in the year one seventy-three on the said recited indenture or mortgage endorsed, for the consideration therein mentioned did grant, bargain, sell, assign, transfer and set over unto the late trustees of the college, academy and charity school of Philadelphia in Pennsylvania aforesaid, their successors and assigns, all that the aforesaid mortgage and the messuage or tenement, plantation and five several tracts of land and premises thereby mortgaged, together with the bond therein recited, and the warrant of the attorneys to confess judgment to the said bond annexed and all the moneys therein mentioned, both principal and interest. And whereas the said George Roth, agreeable to the proviso in the said mortgage deed contained hath paid and discharged the mortgage moneys aforesaid. And whereas at the time of discharging the mortgage moneys aforesaid there were missing of the title deeds of the said premises a deed from Hugh Roberts to Daniel Labar; a deed from the said Daniel Labar to Philip Labar, a patent from the late proprietaries to the said Philip Labar, a deed from the said Philip Labar to John Yeckle, a deed from Adam Hillegas to the said John Yeckle, a deed from Philip Reed to the said John Yeckle, and two deeds

from the said John Yeckle to the said [John] Roth, under which several deeds or conveyances the said George Roth stands seized of and in the premises as above mentioned. And whereas as well at the time of discharging the mortgage moneys aforesaid, as at several times since, diligent search has been made for the several deeds aforesaid, and they are not now to be found, and the said George Roth in order to prevent the damages and mischief which may arise from the loss of the said deeds, most humbly praying that relief may be granted unto him in the premises.

[Section I.] (Section II, P. L.) Therefore be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said Hugh Roberts, Daniel Labar, Philip Labar, the said late proprietaries, Adam Hillegas, Philip Reed and John Yeckle, and their heirs respectively and all and every other person or persons claiming or to claim any estate, right title or interest, in or to the said five several tracts of land, hereditaments and premises herein before described by, from or under them, or any or either of them, shall be and hereby are declared to be barred and forever excluded of and from all such claim, right, title or interest, and that the said premises shall be vested in the said George Roth, his heirs and assigns, to the only proper use, benefit and behoof of the said George Roth, his heirs and assigns forever; from and after the publication hereof, freed, exonerated and discharged of and from all such claims, rights or titles to all intents and purposes whatsoever; saving to all and every other person or persons, bodies politic and corporate, their respective heirs, successors executors and administrators (other than the said Hugh Roberts, Daniel Labar, Philip Labar, the late proprietaries, Adam Hillegas, Philip Reed and John Yeckle, their heirs and assigns) all such estates, rights, titles, interests, claims and demands of, in, to and out of the above mentioned premises vested by this act in the said George Roth, his heirs and assigns forever as aforesaid, as they, or any of them, had before the passing of this act, or could, or might have, had or enjoyed in case this act had never been made.

CHAPTER XLIX.

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**AN ACT TO ESTABLISH AND CONFIRM THE ESTATE OF PERSIFOR FRAZER, ESQUIRE, IN A TRACT OF LAND AND TENEMENTS IN THIS STATE.**

(Section I, P. L.) Whereas, Persifor Frazer, of Thornbury township in the county of Chester hath represented [to the] to the [sic] general assembly of this commonwealth that he is seized and possessed of two messuages or tenements and a tract of land in the township of East Whiteland in the county aforesaid, containing forty-eight acres three quarters and ten perches, (be the same more or less) bounded and described as follows: Beginning at a post in the line of Thomas Evans' land, thence extending north, northwest, by the same land fifty-six perches to a post, thence east, northeast my Thomas Bowen's land, eighty-eight perches to the new road, thence south, southeast along the same road, one hundred and twenty-eight perches to the middle of Conestogoe great road, thence west, up the same road, forty perches to the corner of John Hambright's lots, thence north by the same lots twenty-seven perches to another corner of said lots, thence west by the said lots, seventy-four perches to the place of beginning. And whereas at the time of the British invasion of this state the deeds of the said Persifor Frazer with the intention of providing for their safety were buried under ground from whence some of them have been taken out, much defaced, and in some material places rendered illegible. And the said Persifor Frazer has prayed for the aid of the legislature to establish by law his right and title to the lands and tenements he is in possession of under the aforesaid deeds notwithstanding the aforesaid defects and imperfections of the same.

[Section I.] (Section II, P. L.) Therefore be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and

by the authority of the same, That the messuages, lands and tenements aforesaid, with the appurtenance respectively, are, and shall be vested in the said Persifor Frazer and his heirs. And that the said Persifor Frazer and his heirs now do stand and from and after the publication of this act shall and do stand seized of the said premises and of every part and parcel thereof, with the appurtenances, to and for the only proper use and behoof of the said Persifor Frazer, his heirs and assigns forever, subject to such rents, estates and incumbrances, as are or may be legally charged on the same, or any part or parcel thereof; and that all persons having and claiming any estate of property and inheritance in the same premises, or [in] any part or parcel thereof, shall, within one year from the publication of this act, make their claim by bringing an ejectment or real action against the said Persifor Frazer, his heirs or assigns, or the tenants and occupiers of the said lands or otherwise from all future claim be excluded and forever debarred, except feme coverts, persons under age, imprisoned, or beyond sea, who shall make their claim within one year after the said incapacities shall be removed, or otherwise they shall be debarred as aforesaid.

[Section II.] (Section III, P. L.) Provided always that the aforesaid messuages or tenements and tract of land, shall remain subject to such rents, estates and incumbrances, as are or may be legally charged on the same or any part or parcel thereof.

Passed September 24, 1783. Recorded L. B. No. 2, p. 183, etc.

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## CHAPTER ML.

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### AN ACT FOR THE RELIEF OF JOHN KLEIN, AN INSOLVENT DEBTOR, CONFINED IN THE GAOL OF LANCASTER COUNTY.

(Section I, P. L.) Whereas John Klein a prisoner confined in the gaol of Lancaster county for debt by his petition to this house hath set forth that by reason of many misfortunes he is wholly unable to satisfy his creditors and hath prayed that he

may be discharged from further confinement. And the said John Klein having agreeable to the directions of this house given due notice of his intentions; and the prayer of his petition being found reasonable and necessary:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the county court of common pleas in and for the county of Lancaster (by the process of which court the said John Klein hath been committed) be and they are hereby authorized and required upon the petition of the said John Klein to grant unto him the like relief as by the laws of this state is provided and enacted for insolvent debtors who are confined in execution for debt not exceeding one hundred and fifty pounds to any one person.

[Section II.] [section III, P. L.) And be it further enacted by the authority aforesaid, That the same court upon such petition being made to them by the said John Klein for his discharge as aforesaid shall thereupon proceed in all things conformably to the purport true intent and meaning of the several acts of assembly now in force in this commonwealth for the relief of insolvent debtors not owing more than one hundred and fifty pounds to one person as aforesaid; that their discharges be equally valid and effectual and their proceedings equally good and binding to all intents and purposes whatsoever.

[Section III.] (Section IV, P. L.) Provided always and be it enacted by the authority aforesaid, That if any creditor or creditors of the said John Klein do not or shall not reside in this state at the time of such proceeding before the same court that the service of notice of the application to the said court or of any rule or order of the same court in the premises on the known agent or attorney of such creditor or creditors within this state shall be equally good and effectual as if the same notice or notices were served on such creditor or creditors in person.

## CHAPTER MLI.

**A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR AN IMPOST ON GOODS, WARES AND MERCHANDISE IMPORTED INTO THIS STATE."<sup>1</sup>**

(Section I, P. L.) Whereas the intention of the act, entitled "An act for an impost on goods, wares and merchandise imported into this state," to which this act is a supplement may be evaded by bringing or importing goods, wares and merchandise by land whereby many evil consequences may arise:

For remedy whereof,

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the passing of this act there shall be raised and collected upon all goods, wares and merchandise, brought into this state by land each and every of the duties mentioned and set forth in the act to which this act is a supplement, and all the powers and authorities and the penalties, regulations and directions given and expressed in and by the said act shall be and they are hereby extended to enforce the collection of the duties hereby imposed and laid as fully and amply to all intents and purposes as if the same were herein repeated and enumerated.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the owner, factor or consignee of any goods, wares or merchandise made dutiable by the act to which this is a supplement, shall, within twenty-four hours after their arrival, enter the same with the naval officer of the city of Philadelphia, or with one of his deputies, and specify the packages, marks and numbers thereof, and the nature and quantity of their contents, in number, weight and measure as they are commonly counted, estimated and sold.

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<sup>1</sup> Passed December 23, 1780, Chapter 923.

[Section III.] (Section IV, P. L.) Provided always and be it further enacted by the authority aforesaid, That on the arrival of such goods, wares or merchandise in any borough, township or district, where there may be no deputy of the naval officer, then and in such case the owner, consignee or factor shall make entry as aforesaid with the next justice of the peace who is hereby authorized and required to proceed and act in the manner and form as the naval officer or his deputy are empowered and required to act.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any owner, factor or consignee shall unload or cause to be unloaded any of such goods, wares or merchandise from any wagon, cart, dray, stage-coach or other conveyance before entry made as aforesaid and having obtained a permit for so doing, every person so offending shall forfeit the sum of one hundred pounds and all goods, wares and merchandise so unloaded or the value thereof; and the goods shall be seized by the said naval officer, his deputy or justice of the peace herein before empowered and required to act, who also may cause such seizure to be made by the constable of such borough, township or district.

[Section V.] (Section VI, P. L.) And be it enacted by the authority aforesaid, That the duties imposed hereby and by the act to which this is a supplement shall be paid into the treasury of this state for the support of government, anything in the twenty-third section of the last mentioned act to the contrary notwithstanding.

[Section VI.] (Section VII.) And be it further enacted by the authority aforesaid, That the duties imposed and laid by this act and the act to which this act is a supplement, shall continue until that part of the resolve of congress of the eighteenth of April last which hath respect to duties on imported goods be acceded to by each and every of the thirteen United States and from thence to the end of the next sitting of the assembly and no longer.

[Section VII.] (Section VIII, P. L.) Provided always and be it enacted by the authority aforesaid, That it shall and may be lawful for any person or persons importing goods, wares or mer-

chandise into this state to enter the same for exportation and to lodge them in any safe store or warehouse; whereof the naval officer shall keep one key, and the importer another; and in case the said goods or any part of them shall be exported within four months from the time of entry, no part of the duty or impost on the goods so exported shall be due or payable.

(Section IX, P. L.) Provided always that the exportation shall be made in vessels having registers, and shall be landed at some port without the capes of Delaware; and provided, the exporter enters into bonds with sufficient security to the amount of the value of the goods so exported that they or [any] part of them shall not be relanded at any place within this state and shall within twelve months from the time of giving such bonds, produce to the naval officer, a certificate from the naval officer of the port where such goods shall be landed; or if there is no naval officer, from some magistrate who shall certify the delivery there; and if any person shall neglect or refuse to produce such certificate within the time and in the manner aforesaid he shall be subject to the penalty expressed in his bond.

(Section X, P. L.) And whereas it may happen to be inconvenient to the importers of goods in some cases to enter them for exportation and it may nevertheless happen that goods which may be imported and the duty whereof may be paid or secured will be exported:

[Section VIII.] Be it enacted by the authority aforesaid, That in all cases where any goods, wares or merchandise charged with an impost or duty by this act or the act to which this is a supplement shall or may be imported from and after the passing of this act and shall be exported within the time and under the condition already expressed in this act, the whole of the said duty (if before paid) shall be returned within one month after exportation or if bonded it shall be allowed out of such bond.

[Section IX.] (Section XI, P. L.) Provided nevertheless, That no goods, wares or merchandise of the manufacture of any part of Europe or of the East Indies of which the duties have been so paid or secured shall be entitled to a return of the said duty or impost except they shall remain in the packages in which

they were originally imported and shall be of the value of one hundred pounds or upwards.

Passed September 25, 1783. Recorded L. B. No. 2, p. 185, etc.

See the Acts of Assembly passed March 15, 1784, Chapter 1076; March 16, 1785, Chapter 1137; April 2, 1785, Chapter 1157; March 15, 1787, Chapter 1276.

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## CHAPTER MLII.

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A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR PROVIDING THE QUOTA OF FEDERAL SUPPLIES FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE, AND FOR THE RELIEF OF THE CITIZENS OF THIS STATE WHO HAVE BECOME CREDITORS OF THE UNITED STATES OF AMERICA BY LOANS OF MONEY OR OTHER MODES OF FURNISHING PUBLIC SUPPLIES," PASSED MARCH TWENTY-FIRST, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE.<sup>1</sup>

(Section I, P. L.) Whereas doubts have arisen in the construction of the tenth section of the law, entitled "An act for providing the quota of federal supplies for the year one thousand seven hundred and eighty-three and for the relief of the citizens of this state who have become creditors of the United States of America by loans of money or other modes of furnishing public supplies," passed the twenty-first day of March, one thousand seven hundred and eighty-three,<sup>1</sup> which is contained in the words following: "Provided that such certificates as aforesaid were originally issued from the loan office of this state or given or granted for money loaned, articles furnished or services done and performed by the citizens of this state and in the name and for the use of any person or persons who at the time of such issuing was or were or since have been a citizen or citizens of this state and actually resident within the same or in the name or for the use of a body politic or corporate within the same."

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and

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<sup>1</sup> Passed March 21, 1783, Chapter 1021.

by the authority of the same, That all loan office certificates issue in the name or for the use of any person or persons who were at the time of such issuing and now are citizens of this state and all loan office certificates issued in the name of any quarter-master commissary or any public officer and by him or them paid to or delivered to any person or persons who at the time of such issuing was or were or since the issuing thereof have been a citizen or citizens and actually resident within the same for articles furnished or services performed and done by him or them for the United States, shall entitle such person or persons above described to receive notes for interest thereon due in the same manner as all and every person or persons are entitled to receive the same from the continental loan officer of this state, agreeable to the said recited act to which this is a supplement; and the said loan officer, previous to the issuing such notes, is hereby authorized and required to receive such proof as to him shall seem meet that they and each of them were paid or delivered to him or them for the purposes aforesaid and for no other use or purpose whatever.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all loan office certificates issued out of the loan office aforesaid for the payment of prizes drawn in the lottery of the United States and issued in the names or for the use of such citizen or citizens or bodies politic or corporate of this state as is or are described in the tenth section of the act, to which this act is a supplement, shall draw interest according to the form and effect of the said act and the loan officer aforesaid shall require of the holders of such certificates the proof aforesaid.

Passed September 25, 1783. Recorded L. B. No. 2, p. 188, etc.

CHAPTER MLIII.

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AN ACT TO ESTABLISH A FERRY OVER THE ALLEGHENY RIVER AT  
THE TOWN OF PITTSBURGH.

(Section I, P. L.) Whereas William Butler, esquire, lieutenant colonel in the Pennsylvania line hath by his memorial to this house prayed leave to erect a ferry over the Allegheny river at the town of Pittsburgh and that the same might be confirmed unto him and his heirs; also that a suitable lot of ground out of the tract reserved opposite to Pittsburgh and convenient to said ferry might be granted unto him in fee for the purpose of accommodating a convenient landing upon such terms as this house may think fit to prescribe;

And whereas it appears necessary that a ferry be erected and established over the said river at the place aforesaid:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act it shall and may be lawful for the said Colonel William Butler at his own proper cost and charge to make or cause to be made at and opposite the town of Pittsburgh a convenient landing on both sides of the Allegheny river and shall keep and maintain the same in good order and repair fit for men, horses and carriages to pass and repass; and shall also provide and maintain a good substantial boat or boats and capable ferrymen who shall duly and constantly attend as occasion may require, under and subject to such charges, rules and regulations, as to the legislature [of this state] shall seem meet.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That for the better accommodation of said ferry with a convenient landing and room to erect necessary buildings on the west side of said river, there be a

lot of ground laid out to include the mouth of a small run emptying into said river out of the reserved tract nearly opposite the aforesaid town of one hundred and twenty-feet front and five hundred feet deep, which lot of ground so assigned, with the improvements, shall be deemed and held as the estate of the said Colonel William Butler, his heirs and assigns, and shall be liable only to the payment of such purchase money, dues and demands as the legislature of this state shall direct.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the president and supreme executive council of this state are hereby empowered to direct the surveyor general of this state (upon the application and at the charge of the said Colonel William Butler) to cause the said lot of ground in and by this act described to be laid out and returned for confirmation.

Passed September 25, 1783. Recorded L. B. No. 2, p. 190, etc.

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## CHAPTER MLIV.

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### AN ACT TO ESTABLISH A FERRY OVER THE MONONGAHELA RIVER AT THE NEW STORE.

(Section I, P. L.) Whereas Mary McKay, of the town of Pittsburgh, widow of Colonel Aeneas McKay (late of this state deceased) by her petition hath represented to this house the great necessity there is of having a ferry established on the Monongahela river at the new store on a tract of land late the property of the said Colonel Aeneas McKay and now vested in his children; also praying in behalf of said children that she may be allowed the privilege of having a ferry erected over the said river at the place aforesaid;

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said Mary McKay for

and on behalf of the said children, viz: Samuel and Elizabeth McKay or the survivor of them, their heirs or assigns, may at any time hereafter and at her own proper cost and charge make or cause to be made a convenient landing on that side [of] the river Monongahela on which they have the right and shall keep and maintain the same in good order and repair fit for men, horses and carriages to pass and repass and also shall provide and maintain a good, substantial boat or boats and capable ferrymen who shall duly and constantly attend as occasion may require and be subject to such rates, rules and regulations as the legislature of this state shall direct and appoint.

Passed September 25, 1783. Recorded L. B. No. 2, p. 192.

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## CHAPTER MLV.

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**AN ACT FOR THE RELIEF OF ANDREW TRUMBOWER AN INSOLVENT DEBTOR CONFINED IN THE GAOL OF NEWTOWN, IN THE COUNTY OF BUCKS.**

(Section I, P. L.) Whereas Andrew Trumbower, a prisoner confined in the gaol of Newtown in the county of Bucks, by his petition hath set forth that by reason of divers losses and misfortunes he is wholly unable to satisfy his creditors and hath prayed that he may be discharged from further confinement. And it appearing that the said Andrew Trumbower hath fully complied with the directions of this house in giving proper notice in the newspapers of his application and the prayer of the said petition being found reasonable and just:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the court of common pleas, in and for the county of Bucks by the process of which same court the said Andrew Trumbower has been committed be [and] the same are hereby authorized and required upon the petition of the said Andrew Trumbower to grant unto him the

like relief as by the laws now in force within [this] state is provided for insolvent debtors who are confined in execution for debts not exceeding one hundred and fifty pounds to any one person.

[Section II.] (Section III, P. L.) Be it also enacted by the authority aforesaid, That the same court upon such petition being made to them by the said Andrew Trumbower for his discharge from confinement aforesaid shall thereupon proceed in all things conformable to the purport, intent and meaning of the several acts of assembly now in force within this commonwealth for the relief of insolvent debtors not owing more than one hundred and fifty pounds to one person as aforesaid, that his discharge be equally valid and effectual and their proceedings equally good and binding to all intents and purposes whatever.

[Section III.] (Section IV, P. L.) Provided always and be it further enacted by the authority aforesaid, That if any creditor or creditors of the said Andrew Trumbower do not or shall not reside in this state at the time of such proceedings before said court that the service of notice of application to the said court or of any rule or order of the same court in the premises on the [known] agent or attorney of the said creditor or creditors within this state shall be equally good and effectual as if the same notice or notices were served on such creditor or creditors in person.

Passed September 25, 1783. Recorded L. B. No. 2, p. 193, etc.

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## CHAPTER MXVI.

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### AN ACT FOR ERECTING PART OF THE COUNTY OF WESTMORELAND INTO A SEPARATE COUNTY.

(Section I, P. L.) Whereas a great number of the inhabitants of that part of Westmoreland county circumscribed by the rivers Monongahela and Youghiogheny and Mason and Dixon's line have by their petition humbly represented to the assembly

of this state the great inconvenience they labor under by reason of their distance from the seat of judicature in said county:

For remedy whereaf:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and singular the lands lying within that part of Westmoreland county bounded as herein-after described, beginning at Monongahela river where Mason and Dixon's line intersects the same; thence down said river to the mouth of Speer's run; thence by a straight line to the mouth of Jacob's creek, thence by the Youghiogeny river to the forks of the same; thence up the southwest branch of the said river, by a part of Bedford county, to Mason and Dixon's line; thence by said line to the Monongahela river aforesaid, be and hereby are erected into a county, named and hereafter to be called Fayette county.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Fayette shall at all times hereafter have and enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever which the inhabitants of this state do, may or ought to enjoy, by any charter of privileges or the laws of this state, or by any other ways and means whatsoever.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of each township or district within the said county, qualified by law to elect shall meet at some convenient place within their respective townships or districts at the same time the inhabitants of the several townships of the other counties within this state shall meet for like purposes and choose inspectors and then and there elect one representative to serve them in assembly, one counsellor, two fit persons for sheriffs, two fit persons for coroners, and three commissioners, in the same manner and under the same rules, regulations and penalties, as by the constitution and laws of this state are directed in respect to other counties, which representative so chosen shall be a member of the general assembly of the commonwealth of Pennsylvania and shall sit and

act as such as fully and as freely as any of the other representatives of this state do, may, can or ought to do, and the said counsellor when so chosen shall sit and act as fully and freely as any of the other members of the supreme executive council of this state do, may, can or ought to do.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the county of Fayette shall, until otherwise altered by the legislature of the state, be represented in the general assembly by one member.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all taxes already laid within the bounds of the county of Fayette by virtue of any act of general assembly of this state which are not already paid shall be collected by the respective collectors within the bounds aforesaid and paid into the hands of the treasurer of Westmoreland county, and that all persons concerned in the levying, receiving and paying the said taxes, shall have the same power and authority and be under the same penalties and restrictions for collecting and paying the same, as by the said acts by which the said taxes were assessed are expressed and directed, until the whole be collected and paid as aforesaid.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court of this state shall have like powers, jurisdictions and authorities within the said county of Fayette, as by law they are vested with and entitled unto in the other counties within this state; and are hereby authorized and empowered from time to time to deliver the gaol of the said county of capital or other offenders in like manner as they are authorized to do in other counties aforesaid.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the freeholders of each township or district in the county aforesaid are hereby authorized and required as often as may be necessary hereafter to meet at some proper and convenient place within the said townships or districts and elect fit persons for justices of the peace for each township or district agreeable to the laws of the state for that purpose respecting other counties.

(Section IX, P. L.) Provided always, That the justices of the peace commissioned at the time [time] [sic] of passing this act, and residing within the county of Fayette, or any three of them, shall and may hold courts of general quarter sessions of the peace and general gaol delivery and county courts for holding of pleas; and shall have all and singular the powers, rights, jurisdictions and authorities, to all intents and purposes, as other the justices of courts of general quarter sessions, and justices of the county courts for holding of pleas in the other counties, may, can or ought to have in their respective counties; which said courts shall sit and be held for the said county of Fayette on the Tussday preceding the courts of quarter sessions and common pleas in Washington county in every year at the school-house or some fit place in the town of Union, in the said county, until a court-house be built; and when the same is built and erected in the county aforesaid, the said several courts shall then be holden and kept at the said court house on the days before mentioned.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Edward Cook, Robert Adams, Theophilus Phillips, James Dougherty and Thomas Rodgers, all of the aforesaid county, yeomen, or any three of them to purchase and take assurance to them and their heirs, of a piece of land situated in Uniontown in trust and for the use of the inhabitants of the said county, and thereon to erect and build a court house and prison, sufficient to accommodate the public service of the said county.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That for the defraying the charges of purchasing the land, building and erecting the court house and prison aforesaid, it shall and may be lawful to and for the commissioners and assessors of the said county, or a majority of them, to assess and levy and they are hereby required to assess and levy so much money as the said trustees or any three of them shall judge necessary for purchasing the said land and finishing the said court house and prison.

(Section XII, P. L.) Provided always, That the sum of money so to be raised does not exceed one thousand pounds current money of this state.

[Section X.] (Section XIII, P. L.) Provided also, and be it further enacted by the authority aforesaid, That no action or suit now commenced or depending in the county of Westmoreland, against any person living within the bounds of the said county of Fayette, or elsewhere shall be stayed or discontinued; but that the same actions already commenced or depending may be prosecuted and judgment thereupon rendered as if this act had not been made: And that it shall and may be lawful for the justices of Westmoreland to issue any judicial process, to be directed to the sheriff of Westmoreland county for carrying on and obtaining the effect of their suits which sheriff shall and is hereby obliged to yield obedience in executing the said writs and make due return thereof before the justices of the said court for the said county of Westmoreland as if the parties were living and residing within the same.

[Section XI.] (Section XIV, P. L.) And it is hereby enacted by the authority aforesaid, That Samuel Adams of the county aforesaid be and hereby is appointed collector of the excise of the said county who is hereby authorized and empowered by himself or his sufficient deputy duly constituted and for whom he shall be accountable to demand, collect, receive and recover the excise appointed to be paid by an act or acts of assembly of this state and also the arrearages thereof, of and from all and every person and persons within the said county, retailing or vending any of the liquors by the said acts liable to pay the same; and also to recover and receive all and every the duties, fines and forfeitures, laid or imposed, or that happen to arise or become due for anything done contrary to the true intent or meaning of the said acts.

[Section XII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the collector of excise for the county of Fayette aforesaid, the better to enable him to recover the arrearages of excise now due or which shall become due before the publication of this act shall apply to the collector of excise for the county of Westmoreland for a list which he is

hereby enjoined and required to deliver, containing the names of each and every person in arrears for excise within the said county of Fayette and how much from each [of] them.

[Section XIII.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the collector of the county of Fayette aforesaid before he enters on the execution of his said office is hereby required to give bond with two sufficient sureties to the treasurer of this state for the time being in the sum of two hundred pounds lawful money of this state for the faithful discharge of his duty and paying all such sums of moneys as he shall from time to time receive by virtue of this act. And further, the collector of the said county of Fayette shall in all things govern himself and be subject to the same regulations, restrictions, fines and forfeitures and shall observe like rules, orders and directions as the collectors of the other counties aforesaid by the laws of this state are liable to. And the said collector for the discharge of the duty of his office within the said county of Fayette shall have and receive like fees, perquisites and rewards for his services as the collector of Westmoreland is entitled to for his services.

[Section XIV.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That until a sheriff and coroner shall be chosen in the county of Fayette in pursuance of this act it shall and may be lawful for the sheriff and coroner of Westmoreland county to officiate and act in the discharge of their respective duties as fully and as amply as they may or can do in the county of Westmoreland.

(Section XVIII, P. L.) And to the end that the boundaries of the said counties of Westmoreland and Fayette may be the better ascertained and known.

[Section XV.] Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the trustees named in this act or a majority of them and they are hereby required and firmly enjoined within the space of six months next after the publication of this act, to assemble themselves together, and with the assistance of one or more surveyors by them provided to run, mark out and distinguish the boundary line between the aforesaid counties of Westmoreland and Fay-

ette, which is not already marked or bounded by the rivers Monongahela and Youghiogeny, and Mason and Dixon's line as described in this act; and the charges to arise for the doing thereof shall be defrayed equally by the inhabitants of the said counties of Westmoreland and Fayette as far as they may interfere with each other and for that end levied and raised by the said inhabitants in such manner as other public money for the use of the said counties by law ought to be raised and levied.

[Section XVI.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That before any sheriff hereafter to be appointed and commissioned for the said county of Fayette shall enter upon the duties of his office he shall become bound in obligation with two or more sufficient sureties to be approved of by the president in council for the time being in the sum of two thousand pounds and with like conditions as is directed with respect to the sheriffs of the other counties within this state; which said obligation shall be taken in the name of the commonwealth of Pennsylvania and entered upon record in the office for the recording of deeds in the said county of Fayette and shall be in trust to and for the use and benefit of the person or persons who shall be injured by any breach, neglect or omission of duty in such sheriffs, and may be proceeded upon in the same manner as is directed in respect to other sheriff's bonds, in and by the laws of this commonwealth now in force, and that the treasurer hereafter to be appointed for the said county for receiving the [state] taxes before he shall enter on the duties of his office shall give bond and security in the like [manner] as other county treasurers are by law directed to give security in the sum of two thousand pounds; and that the treasurer for said county for receiving the county levies shall in the like manner give security in the sum of five hundred pounds.

[Section XVII.] (Section XX, P. L.) Provided always, and be it enacted by the authority aforesaid, That this act shall not take until the first day of September, which will be in the year of our Lord one thousand seven hundred and eighty-four, so far as the same respects the election of censors, a counsellor and

representative for the general assembly; but the inhabitants of the county of Fayette aforesaid, shall at the ensuing election, elect censors, a counsellor and representatives in assembly in conjunction with the inhabitants of Westmoreland county agreeable to the directions of the constitution and the laws now in force.

Passed September 26, 1783. Recorded L. B. No. 2, p. 194, etc. See the Acts of Assembly passed March 21, 1784, Chapter 1093; January 19, 1793, Chapter 1649.

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## CHAPTER MLVII.

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### AN ACT FOR INCORPORATING THE BAPTIST CHURCH IN THE TOWNSHIP OF MONTGOMERY AND COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas the minister, elders and members of the Baptist church in the township of Montgomery in the county of Philadelphia have prayed that their said church may be incorporated and by law enabled as a body corporate and politic to receive and hold such charitable donations and bequests as have been or may from time to time be made to their society and vested with such powers and privileges as are enjoyed by the religious societies who are incorporated in the state of Pennsylvania. And whereas it is just and right and also agreeable to the true spirit of the constitution that the prayer of their said petition be granted:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That David Loofbourrow, minister, Isaac James, Peter Evans, Jenkin Evans and George Smith and their successors duly elected and appointed in such manner and form as hereinafter is directed be and they are hereby made and constituted a corporation and body politic in law and in fact to have continuance forever, by the name, style and title of "The trustees of the Baptist Church in Montgomery township in the county of Philadelphia."

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name, style and title aforesaid shall forever hereafter be persons able and capable in law as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the said Baptist church in Montgomery township and county aforesaid or to the religious congregation worshipping therein, now under the pastoral charge and care of the Reverend David Loofbourn, or to any other person or persons to their use or in trust for them and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation and their successors forever, according to the original use and intent for which such devises, gifts and grants were respectively made. And the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises or other conveyances thereof is or are declared limited or expressed, as also that the said corporation, and their successors aforesaid at all times hereafter shall be capable and able to purchase, have, receive, take, hold and enjoy, in fee simple, or of any lesser estate or estates, any lands, tenements, rents, annuities, liberties, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies corporate and politic, capable and able to make the same; and further that the said corporation may take and receive any sum or sums of money, and any manner or portion of goods and chattels that have been, or shall be given or bequeathed to them, by any person or persons, bodies politic and corporate, capable to make a bequest or gift thereof, such moneys, goods and chattels to be laid out by them in a purchase or purchasers of lands, tenements, messuages, houses, rents, annuities or hereditaments, to them and their successors forever.

[Section III.] (Section IV, P. L.) Provided always, and be it further enacted by the authority aforesaid, That in the disposal and application of the public moneys of the said corporation or in the making sale or disposition of any part or parcel of the real or personal estate of the said corporation for any purposes and public notice being given to the congregation attending the worship of the said church as herein after directed the consent and concurrence of the major part of the said congregation who shall meet in consequence of such notice and who shall be qualified as hereinafter is directed shall be had and obtained; and the votes hereinafter directed to be taken shall be by ballot and also that the said trustees in like manner qualified shall be admitted to vote therein as members of the said congregation.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors or a majority of them from time to time after public notice given the preceding Lord's day commonly called Sunday from the desk or pulpit of the said church immediately after divine service and before the congregation shall be dismissed or after regular notice in writing left at the house of each trustee and the business having been previously mentioned at one meeting at the least of the said trustees, be authorized and empowered and they are hereby authorized and empowered to make rules and by laws and ordinances and to do everything needful for the good government and support of the secular affairs of the said church.

(Section VI, P. L.) Provided always, That the said rules, by-laws and ordinances or any of them be not repugnant to the laws of this commonwealth, and that all the proceedings of the said church and congregation and of the said trustees in pursuance of this act shall be fairly and regularly entered into a church book to be kept for that purpose and also that the said trustees and their successors by a majority of them when met as aforesaid after such notice as aforesaid be authorized and empowered and they are hereby authorized and empowered to elect and appoint from among themselves a president and also to elect and appoint from among themselves or others a treas-

urer and secretary and the same president, treasurer and secretary, or any of them at their pleasure to remove, change, alter or continue as to them or a majority of them so met as aforesaid from time to time shall seem to be most for the benefit of the said church and corporation.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors shall have full power and authority to make, have and use one common seal with such device and inscription as they shall think proper and the same to break, alter and renew at their pleasure.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name of "The Trustees of the Baptist Church in Montgomery township in the county of Philadelphia," aforesaid shall be able and capable in law to sue or be sued, plead and be impleaded, in any court or courts before any judge or judges, justice or justices in all and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever nature, kind or form they may be and all and every matter and thing therein in as full and effectual a manner as any other person or persons, bodies politic or corporate within this commonwealth may or can do.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall always consist of five members called and known by the name of "The Trustees of the Baptist Church in Montgomery Township, in the county of Philadelphia," and the said members shall at all times hereafter be chosen by ballot by a majority of such members met together of the said congregation as are stated worshippers with the said church for not less than the space of one year and have paid the sum of seven shillings and six pence yearly towards the support of the said church and shall not at any time of voting be more than one-half year in arrears for the same.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said David Loofbourrow, Isaac James, Peter Evans, Jenkin Evans and George Smith, the

first and present trustees hereby incorporated, shall be and continue trustees aforesaid, until they be removed in manner following that is to say that all and every of the trustees herein first named, and appointed shall cease and discontinue and their appointment determine on the first Monday in the month of May which will be in the year of our Lord one thousand seven hundred and eighty-four, and upon which day a new election shall be had and held of so many others in their stead and place by a majority of the persons met and qualified agreeably to the true intent and meaning of this act, to vote and elect as aforesaid, yearly and every year forever.

(Section XI, P. L.) Provided always, That the pastor or pastors of the said church for the time being shall be entitled to vote equally as any other member of the said church or congregation.

(Section XII, P. L.) And provided also, That all and every person or persons qualified as aforesaid to vote and elect shall and may be capable and able to be elected a trustee aforesaid except in case of the said church having two pastors, when [one of] the said pastors only shall be eligible as a trustee at the same time.

(Section XIII, P. L.) Provided always, That whenever any vacancy happens by the death, refusal to serve, or removal of any one or more of the trustees aforesaid pursuant to the directions of this act an election shall be had of some fit person or persons in his or their place and stead so dying, refusing or removing as soon as conveniently can be done, and that the person or persons so elected shall be, remain and continue as a trustee or trustees aforesaid so long without a new election as the person or persons in whose place and stead he or they shall have been so elected as aforesaid would or might have continued and remained and no longer and that in all cases of a vacancy happening by the means in this act last mentioned the remaining trustees shall be empowered to call a meeting of the electors for supplying the said vacancy such meeting to be notified and published in the like manner as hereinbefore is directed and appointed for notifying and publishing the meeting of the congregation.

[Section IX.] (Section XIV, P. L.) Provided always and it is hereby enacted by the authority aforesaid, That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation shall not exceed the sum of one thousand pounds lawful money of the state of Pennsylvania to be taken and esteemed exclusive of the moneys arising from the contributions belonging to the said church and also exclusive of the moneys arising from the opening of the ground or burials; which said moneys shall be received by the trustees and disposed of by them in the manner herein before directed pursuant to the votes of the members of the said church or congregation duly qualified to vote and elect as aforesaid.

Passed September 26, 1783. Recorded L. B. No. 2, p. 200, etc.

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## CHAPTER MLVIII.

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### AN ACT TO REPEAL PART OF THE ACT, ENTITLED "AN ACT FOR AN IMPOST ON GOODS, WARES AND MERCHANDISE IMPORTED INTO THIS STATE."<sup>1</sup>

(Section I, P. L.) Whereas during the late war, common salt, salt-petre, gun-powder, lead or shot and prize goods, were exempted from any impost or duty in the act for imposing a duty on goods, wares and merchandise imported into this state, passed the twenty-third day of December, one thousand seven hundred and eighty:

And whereas the necessities on which the exemptions aforesaid were founded have ceased:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That so much of the act aforesaid

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<sup>1</sup> Passed December 23, 1780, Chapter 925.

which exempts common salt, salt-petre, gun-powder, lead or shot and prize goods from any impost or duty be and the same is from henceforth repealed, made null and void.

Passed November 18, 1783. Recorded L. B. No. 2, p. 205, etc.

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## CHAPTER MLIX.

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### AN ACT FOR THE BETTER SECURING THE CITY OF PHILADELPHIA AND ITS LIBERTIES FROM DANGER OF GUNPOWDER.

(Section I, P. L.) Whereas by an act entitled "An act for the better securing the city of Philadelphia from danger of gunpowder,"<sup>1</sup> passed in the year one thousand seven hundred and twenty-four, and a supplement thereto,<sup>2</sup> passed in the year one thousand seven hundred and forty-seven, continuing the said act in force until altered by a future assembly, it was directed that all gunpowder brought into the port of Philadelphia should be deposited in a certain powder house therein described, under the penalty of ten pounds for every offense:

And whereas another powder house or magazine hath been erected in the said city in the public square on the south side of Vine street, between the Sixth and Seventh streets from Delaware, at the public expense:

And whereas the said penalty of ten pounds is not deemed sufficient to deter persons from storing large quantities of gunpowder in private houses and stores, to the great danger of the inhabitants:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That no person whatsoever, within the precincts of Philadelphia, nor within two miles thereof,

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<sup>1</sup> Passed August 14, 1725, Chapter 287.

<sup>2</sup> Passed May 8, 1747, Chapter 372.

shall, from and after the passing of this act, presume to keep in any house, shop or cellar, store or place whatsoever, in the said city, nor within two miles thereof, other than in the said public magazine, any more or greater quantity at any one time than thirty pounds weight of gun-powder, under the penalty of a forfeiture of the whole quantity so over and above stored, together with a fine of twenty pounds for every such offense. And whatever master, merchant or other person trading or bringing into the said port any gunpowder (other than such as shall be specially licensed in that behalf, by the president or vice-president and council of the state of Pennsylvania) shall not within the space of forty-eight hours from his first arrival and coming to anchor there, and before he hauls to the wharf, upon due notice given him by the officer hereinafter appointed, or his successor or his or their deputies, of the purport of this act, deliver all the powder so brought into the said port aforesaid, unto the said officer, or his successor or his or their deputies, he or they so offending shall forfeit at the rate of twenty pounds for every cask so withheld, together with the whole of the powder, if the property of the person so offending.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That all gunpowder brought by land to the said city, if above thirty pounds weight, at any one time, shall immediately be carried to the powder house aforesaid, and delivered to the officer or his deputy, under the same penalty as if brought by water, saving that they shall not wait to be informed or noticed by the said officer.

[Section III.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That if any such gunpowder which may be stored in such magazine, shall be intended for exportation, it shall not be delivered into any vessel or craft, so designed to carry away the same, whilst she remains at any of the wharves of the said city or liberties, other than the boat or craft necessary to be made use of to convey it on board such vessel, nor shall it be unladen or delivered from any cart or carriage whatever on any wharf, until the boat or craft so designed to carry it on board the vessel in which it is to be exported shall be ready to receive the same, under the penalty of twenty pounds,

and the boat or craft so receiving it on board shall immediately carry it away, under the penalty of fifteen pounds for every hour she remains at the wharf.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That if any person shall presume to convey in any dray, cart, wagon or other carriage, any greater quantity of powder than thirty pounds weight, through the said city, or within two miles thereof, without securing it in a good bag or bags and putting a sheet or canvas under the said powder, sufficient to prevent its scattering from the said carriage, such person shall forfeit and pay for every such offense the sum of twenty pounds.

[Section V.] (Section VI, P. L.) And be it enacted by the authority aforesaid, That Joseph Stiles be and is hereby appointed the officer to superintend the said magazine, who shall have and receive for storage of such powder so deposited twelve pence per barrel per month, and so proportionably for half barrels and quarter barrels for the first six months, and six pence per barrel per month, and so proportionably for half barrels and quarter casks for every month any of the said powder remains in the said store above six months, and likewise shall have and receive for every twelve pounds and lesser quantity, to be delivered at one time, six pence, over and above the said storage.

[Section VI.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That the said Joseph Stiles or his successors shall be accountable to the owners or deliverers of such powder so deposited (lightning and other unavoidable accidents excepted) and shall also cause daily attendance to be given at the powder house aforesaid from the hours of nine until twelve in the morning, and [from] two until five in the afternoon for delivering out the said powder, and also at all times, on due notice given, for receiving thereof (if coming by water) at the nearest and most convenient landing to the said magazine, the owners of such powder paying the expense of lighterage and portage; and immediately upon receiving into his custody any quantity of powder as aforesaid, he or they shall pass his receipts in writing for the same, expressing the quantity of powder, and describing the number and mark of the casks.

[Section VII.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That the president or vice-president and council for the time being shall have power to remove the said officer, and appoint another in his room, whenever it shall appear to them expedient and necessary, as well as in case of death, in which case as well as on removal by the president or vice-president and council the successor in office shall make out an account of all powder in the said magazine, in presence of a person to be appointed by the said council, as well as in presence of his predecessor, if living, if not, of his executor or administrator, if he or they shall attend on due notice given, and the quantity found shall be chargeable to the said new officer; which account shall be compared with the account of his predecessor for which purpose the officer now appointed, and his successors shall keep a fair book in which all such powder so brought into the said magazine, and found therein at the time of passing this act, shall be entered, which book shall be delivered up to the successor in office, but in case any disputes or mistakes shall arise, he, or his executors or administrators shall have access at all reasonable times to the book so by him delivered up, in order to determine and adjust the same.

[Section VIII.] (Section IX, P. L.) And be it enacted by the authority aforesaid, That whatsoever quantity of powder of the ship's store of any vessel shall be so as aforesaid delivered to be kept at the said magazine, and shall be re-demanded in order for exportation out of this state, the said officer, or [the] officer for the time being, shall cause the same to be re-delivered at the nearest and most convenient landing to the said magazine without exacting any other perquisite for such re-delivery, than the storage aforementioned, save the expense of cartage: And if the said officer or the officer for the time being, shall neglect to give attendance as aforesaid, or shall take or exact any more or greater rates than is herein before allowed, he or they so offending shall, on due proof thereof made by one or more credible witnesses, before any justice of the peace of the city or county of Philadelphia, forfeit and pay, for every such offense, such sum of money as the said justice shall think fit to award, not exceeding the sum of five pounds for one offence.

[Section IX.] (Section X, P. L.) And be it enacted by the authority aforesaid, That all powder intended for exportation shall be shipped under, and subject to the same restrictions, regulations and penalties as mentioned in the fourth section of this act.

[Section X.] (Section XI, P. L.) And be it enacted by the authority aforesaid, That all and singular the fines and forfeitures arising by this act, except under the sum of five pounds shall be recovered in any court of record in this state, by bill, plaint or information, wherein no essoin, protection or wager of law, nor any more than one imparlance, shall be allowed; the one moiety of which forfeiture and penalties shall go into the hands of the treasurer of the commissioners for paving the streets, to be by them disposed of until otherwise ordered by act of assembly, and the other moiety thereof to the informer or prosecutor who shall sue for the same.

[Section XI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the officer appointed by this act or hereafter appointed to execute the same, shall before he enters upon the execution of his office, give bond with sufficient security to the president or vice-president in council, in the sum of two hundred pounds conditioned for the true and faithful performance of his duty according to this act.

[Section XII.] (Section XIII, P. L.) And it is hereby further enacted by the authority aforesaid, That all acts heretofore made respecting the storing of gunpowder in the said city, shall be and are hereby repealed.

Passed December 6, 1783. Recorded L. B. No. 2, p. 206, etc. See the Act of Assembly passed March 28, 1787, Chapter 1277, and the note to the Act of Assembly passed May 8, 1747, Chapter 372.

## CHAPTER MLX.

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AN ACT TO COMPLETE THE TITLE OF ABRAHAM COMRON AND REBECCA ENGLISH, HIS SISTER, TO A HOUSE AND LOT IN MULBERRY WARD, IN THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas Abraham Comron of the city of Philadelphia, sail maker, by his petition bearing date the twenty-fifth day of November, one thousand seven hundred and eighty-two, did represent to the general assembly of this commonwealth, that the petitioner's grandfather, Nicholas Cassell, deceased, did in his life time by deed of gift convey unto Mary Comron, the mother of the said Abraham, a certain lot of ground situated in Race street, between the front and second streets from Delaware river in the city of Philadelphia, containing in breadth on Race street seventeen feet and in length or depth fifty-one feet, bounded on the west by a messuage and lot of ground late of Henry Dunn, deceased, in the north with a piece of ground late of Mary Comron, deceased, on the east with a messuage and lot of ground of James Cooper, and on the south with Race street aforesaid, on which lot John Comron, the father of the same Abraham built a small brick house, that the said John Comron, the father and the said Mary died intestate, leaving the said Abraham and a daughter called Rebecca, their only issue, by which he becomes vested with two-third parts and she of the other third part of the said house and lot of ground in fee. That when the enemy were in possession of the city of Philadelphia the family of the said Abraham removed to the county of Gloucester in the state of New Jersey to a place called Clonmell where the enemy came and broke and destroyed everything belonging to the family and burned all the papers amongst which was the deed of gift from the said Nicholas Cassell to the said Mary Comron, the mother of the said Abraham. The said Abraham by his said petition praying

that the general assembly would permit him to bring in a bill to be enacted into a law to complete the chain of the title to the said house and lot bounded as aforesaid; now incomplete by reason of the loss of the said deed of gift. And the said Abraham Comron having complied with the directions of the general assembly by giving public notice of his said application in one of the English and in one of the German newspapers printed in this city, in behalf of himself and his said sister:

[Section I.] Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said house and lot bounded as aforesaid, with the hereditaments and appurtenances aforesaid are and shall be vested in the said Abraham Comron and Rebecca English his sister as tenants in common in fee. And that the said Abraham Comron and the said Rebecca and their heirs now do stand, and from and after the publication of this act shall stand seized of the said premises and of every part and parcel thereof with the appurtenances to and for the only proper use and behoof of the said Abraham Comron and Rebecca English their heirs and assigns forever, as effectually in law and equity to all intents and purposes as if the said deed from the said Nicholas Cassel to the said Mary had not been lost or destroyed, and that the title of the said Abraham and Rebecca to the said lot shall not be anywise prejudiced in any court of law or equity for or by reason of the loss of the said deed. Two equal and undivided third parts of the said lot of ground with the appurtenances to be and remain unto the said Abraham Comron, his heirs and assigns forever, and the other third part of the same premises unto the said Rebecca English and her heirs and assigns forever to the only proper use, benefit and behoof of the said Abraham and Rebecca their heirs and assigns forever. Subject to such quit rents or other rents, estates and encumbrances as are or may be legally charged on the same or any part or parcel thereof.

CHAPTER MLXI.

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AN ACT FOR THE MORE EFFECTUALLY SECURING AND RECOVERING  
FOR THE USES OF THE COMMONWEALTH, THE MONEYS DUE FOR  
EXCISE AND MILITIA FINES, AND FOR OTHER PURPOSES THEREIN  
MENTIONED.

(Section I, P. L.) Whereas considerable sums of money are due to this commonwealth, in the several counties for excise upon spirituous liquors, imposed by an act of assembly of the late province of Pennsylvania, passed in the year of our Lord one thousand seven hundred and seventy-two, which have accrued between the first day of January, one thousand seven hundred and seventy-seven, and the thirtieth day of May, one thousand seven hundred and eighty-one, whilst continental money was current, but are not yet paid:

And whereas in consequence of the depreciation thereof, the legislature did from time to time augment the rates of excise according to the progress of the depreciation of the currency; and the payment thereof can no longer be made in continental money, which is now out of circulation, it is necessary that some mode should be adopted and directed given in what manner the debts due as aforesaid shall be collected and paid:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the excise upon spirituous liquors which became due between the first day of January, one thousand seven hundred and seventy-seven, and the thirtieth day of May, one thousand seven hundred and eighty-one, and hath not yet been paid to the collectors of excise shall be fixed in specie at the rates established by the act, entitled "An act for the support of [the] government of this province, making the excise on wine, rum, brandy and other spirits more

equal and preventing frauds in the collecting and paying the said excise,"<sup>1</sup> passed the year one thousand seven hundred and seventy-two; and the comptroller general of this state shall from the accounts of the several and successive collectors, form complete lists for the respective counties to be delivered to the present collectors thereof or their successors annually appointed, of all the excise due within the period aforesaid, reduced to specie agreeable to the aforesaid principles together with all other the excise due, which may have accrued before that time or since to the time of appointment of the present collectors in the respective counties, and the said collectors shall, and they are hereby severally authorized and required in their own proper counties, proceed forthwith to collect the same, agreeably to the returns they shall so receive in like manner as the excise which accrued during their own appointment by the same authorties, and under like penalties; and should it so happen that any of them should not be able to collect the whole so returned to them, until the time of their resignation, or until other collectors shall be appointed in their stead, then shall they return a list of such part thereof as may be uncollected to their successors in the manner directed by the nineteenth section of the addition and supplement to the act for amending and continuing an act, entitled "An act for the support of the government of this province, making the excise on wine, rum, brandy and other spirits more equal, and preventing frauds in collecting and paying the said excise,"<sup>2</sup> passed the nineteenth day of March, one thousand seven hundred and eighty-three, and under like penalties and forfeitures, that so the same may be fully paid, and the moneys so collected shall be forthwith paid to the treasurer of the state, by the collectors, they reserving to themselves therefrom, like commissions as they are allowed upon other excise.

(Section III, P. L.) And whereas there are large sums due to this state in continental money, for fines which have heretofore been incurred in the several counties by persons for non-attendance upon days of exercise, and for non-performance of their

<sup>1</sup> Passed March 21, 1772, Chapter 656.

<sup>2</sup> Passed March 19, 1783, Chapter 1016.

[tour of] militia duty: And whereas it is just that such persons as have not should pay a sum equal in value to those who have already discharged their fines incurred at the same time, and it is necessary that the moneys due and owing to the state should be speedily and efficaciously collected for the necessary uses thereof:

[Section II.] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That such militia fines as have been incurred in continental money and are yet due shall be paid in specie at the value thereof by the sale of depreciation when those fines were incurred; and the comptroller-general is directed upon settlement of the accounts of the several and successive lieutenants and sub-lieutenants of the city of Philadelphia, and the several counties of this commonwealth, to ascertain the delinquents, and the fines due by each, in every of the battalion districts and companies of the same, together with the time they were incurred; and thereupon shall reduce the fine or fines of each person respectively to specie to the foregoing principles, and shall thence form abstracts or lists of all the outstanding fines in the city, and each respective county, and make returns of the same to the present lieutenant thereof and the said lieutenants are hereby severally authorized and required [to proceed] to have the same collected and paid in like manner with the fines incurred under the act, entitled "A further supplement to the act, entitled 'An act for the regulation of the militia of the commonwealth of Pennsylvania,'"<sup>1</sup> and that the moneys so paid shall be kept apart as a fund for discharging the debts due to the militia for their services performed under the several militia laws, and the collectors shall ask, demand and receive from the several delinquents in addition to their fines like commissions, as are allowed by law for collecting the present militia fines.

(Section V, P. L.) And whereas it appears that the directions given to the militia officers and the duty pointed out to them by law, directing them to make returns of the absentees upon days of exercise, hath not been complied with in many instances, and

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<sup>1</sup> Passed March 21, 1783, Chapter 1022.

at most not until too late, so that the collection of fines is thereby not only impeded but in many instances totally prevented.

[Section III.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That the captains or commanding officers of companies, who have not done it already, shall make returns conformably to law of the absentees of their respective companies on the days of exercise in the last spring, together with the delinquents on the days appointed for exercise in the present autumn and fall, on or before the first day of April next, to the colonels or officers commanding their respective battalions and in the next and every succeeding year, the captains or commanding officers of companies shall make returns of the absentees on days appointed for exercise in the spring and fall of the year respectively, within ten days after each day appointed for them to meet in battalion; and for every neglect or refusal, the captain or officer commanding the company, wherein the same doth happen, shall forfeit and pay the sum of twenty pounds, and the colonels or officers commanding battalions shall make return of all such lists as they shall so receive, to the lieutenant of the proper county within thirty days after their receipt thereof, and for every neglect or refusal, such colonel or commanding officer shall forfeit and pay the sum of one hundred pounds.

(Section VII, P. L.) And whereas it is deemed oppressive to oblige the collectors of the supply taxes to collect the militia fines, and impracticable for them to perform both those duties with the necessary dispatch:

[Section IV.] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That in future the lieutenant shall appoint such and so many collectors in the county as to him may seem proper and necessary, who shall proceed to collect the fines of such delinquents as are contained in their respective warrants, and to pay the same agreeably to the direction of the laws for regulating the militia of this commonwealth; and if any collector so appointed shall refuse or neglect to perform his duty, he shall for every such offense forfeit and pay at the discretion of the courts of quarter sessions of the peace within this commonwealth a sum not exceeding thirty pounds.

(Section IX, P. L.) And whereas it hath been found upon experience that the county lieutenants have not been able in many instances to obtain persons of property, and in whom they could confide, to undertake the office of collector of the militia fines, and after they have appointed such as they could get to accept thereof, they have not had power to compel them to account for, and to pay the moneys which they had collected, whereby very considerable sums have been, and are perverted from the purposes of paying the militia, to the private use of individuals: In order therefore to remedy this defect, and to prevent the like abuses in future:

[Section V.] (Section X, P. L.) Be it enacted by the authority aforesaid, That if any person who hath been appointed by any lieutenant or sub-lieutenant or who may hereafter be appointed by any lieutenant within this state, to collect the militia fines shall neglect or refuse to account with and pay over to the lieutenant or sub-lieutenant by whom he hath been or may be so appointed all the moneys by him received for fines within ten days after demand thereof shall be made, all and every such person refusing to settle his account shall be liable to have his goods, chattels, lands and tenements within this state seized and secured by warrant under the hand and seal of the lieutenant of that county in which such delinquent collector hath or may have acted; directed to the sheriff or coroner of the proper county, who shall make report of his proceedings to the said lieutenant, and if there are no such goods, chattels, lands and tenements, or they being seized, he shall continue to withhold or refuse to settle his account of fines received, then and in that case the said lieutenant of the county shall issue his warrant under his hand and seal, directing the sheriff or coroner of the county in which the delinquent may be, to seize and take his body, and commit the same to the common gaol of the county, to continue without bail or mainprise, until he shall exhibit and settle his account as aforesaid, and discharge the costs of prosecution; and all and every collector, appointed as aforesaid, who hath or shall upon settlement of his account be found to have, a balance due by him of the fines collected, and shall not within ten days after demand made by the county

lieutenant, or sub-lieutenant, discharge and pay the full amount thereof, then and in such case it shall and may be lawful for the lieutenant of said county immediately to issue his warrant to the sheriff or coroner to levy the sum due by such delinquent collector, by distress and sale of the offender's goods and chattels, lands and tenements, together with cost and charges, which distress and sale shall be made agreeably to directions of the law for levying and selling goods and chattels distrained for rent; but if no such goods and chattels, lands and tenements can be found, then to seize and take the body of such offender, and commit him to the common gaol, there to remain for the space of one year, unless he shall sooner discharge the debt or procure [such] security, that the same shall be discharged within a reasonable time, as may secure and satisfy the lieutenant or sub-lieutenant aforesaid.

[Section VI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so much of the fourteenth section of the act, entitled "A further supplement to the act, entitled 'An act for the regulation of the militia of the commonwealth of Pennsylvania,' and to repeal the act, entitled 'A supplement to the act for the regulation of the militia of the commonwealth of Pennsylvania,'"<sup>1</sup> as directs that the duplicates of militia fines shall be given to and collected by the collectors of [the] supply taxes, shall henceforth be, and the same is hereby repealed, and the said collectors who have acted shall forthwith settle their duplicates with the lieutenant for whom they collected, and discharge themselves of such part thereof as they may have respectively received by producing and rendering to the said lieutenants the receipts of the county treasurer for the payment thereof under the penalty of five hundred pounds.

[Section VII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That each collector of excise shall be liable by this act to pay into the state treasury the different sums of money he may have received in his office aforesaid agreeably to the scale of depreciation of this state at the time he may have received such sums of money.

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<sup>1</sup> Passed March 21, 1783, Chapter 1022.

[Section VIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the fines and forfeitures incurred for breaches of duty by this act, shall be sued and recovered by the lieutenant of the proper county, at the suit, and for the use of the commonwealth, in any court of record within this state by bill, plaint or information, wherein no essoin, protection, wager at law, nor more than one imparlance shall be allowed.

Passed December 9, 1783. Recorded L. B. No. 2, p. 213, etc. See the Act of Assembly passed April 11, 1793, Chapter 696.

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## CHAPTER MLXII.

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AN ACT FOR SUPPLYING AN ACT, ENTITLED "AN ACT FOR THE EFFECTUAL RECOVERING AND SECURING THE FINES, FORFEITURES AND OTHER MONEYS DUE OR BELONGING TO THE COMMONWEALTH, FOR THE USE OF THE SAME.<sup>1</sup>

(Section I, P. L.) To the end that all fines, forfeited recognizances, issues, amercements, and sums of money forfeited and recovered in any courts in this commonwealth or before any justice or justices of the peace, for the use of the commonwealth, may be the more easily collected, levied and paid into the public treasury:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all recognizances forfeited in any court of quarter sessions of the peace within this commonwealth, or in the sessions held for the city of Philadelphia, shall and may be sued for and be recoverable in the court of common pleas of that county in which the said recognizances shall be forfeited respectively which courts may and they are hereby empowered to order the said recognizances to be levied, moder-

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<sup>1</sup> Passed March 18, 1780, Chapter 899.

ated or remitted on hearing the circumstances of the case, according to equity and their legal discretion:

[Section II.] (Section III, P. L.) Provided always nevertheless and be it further enacted by the authority aforesaid, That the supreme court of this commonwealth, may hear appeals from such orders or judgments of the courts of common pleas, on the said forfeited recognizances at the next ensuing term after such judgment given, but not afterwards, and finally decide on the same.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all recognizances forfeited in the supreme court, or in any court of oyer and terminer, general gaol delivery, admiralty sessions or admiralty or before any special commissioners of oyer and terminer in this state, shall be sued for and recoverable in the supreme court of this state, which is hereby empowered to order the said recognizances to be levied, moderated or remitted, according to justice and their legal discretion.

[Section IV.] (Section V, P. L.) And [be] it further enacted by the authority aforesaid, That all fines, issues, amercements, forfeited recognizances and other forfeitures, which from and after the publication of this act, shall be set, imposed, lost or forfeited, for the use of the commonwealth, in the supreme court or in any courts of oyer or terminer, gaol delivery, admiralty, admiralty sessions, common pleas, or quarter sessions of the peace, or in the sessions held for the city of Philadelphia or by any justice or justices of the peace in this commonwealth, shall by the clerks, prothonotaries or other registers of the said courts respectively, or by the said justice or justices of the peace be certified and estreated into the comptroller-general's office on the first day of May and the first day of November in every year hereafter and that the prothonotaries of the said supreme court, and the courts of common pleas shall also certify and estreat, at the same time, into the said comptroller general's office; the orders and judgments of the same courts respectively, on all such forfeited recognizance as shall be sued upon in the same courts, which said estreats or certificates shall be delivered into the said comptroller-general's office by the said prothono-

taries, clerks, registers, justice and justices of the peace, respectively upon their oath or affirmation, first being made before, and certified by two justices of the peace, or one judge of the supreme court, that the said estreats had been carefully and fully made up and examined by them, without any wilful or fraudulent omission, discharge or defect whatsoever, and that they had therein particularly specified and mentioned such fines, issues amercements, forfeited recognizances and other forfeitures, which had been paid into their hands for the use of the commonwealth, to the best of their knowledge.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said clerks, prothonotaries, registers, justice and justices of the peace and all other persons who shall or may receive or be accountable to the commonwealth for any fines, issues, amercements, forfeited recognizances or other forfeitures, shall within three months after they have received any such sum or sums of money pay the same into the hands of the high sheriff of their respective counties, and the said sheriffs shall on the first day of November in every year hereafter (and as often as thereunto required by the comptroller-general) render an account of all such moneys as may have come to their hands as aforesaid to the comptroller-general's office for settlement, and the money which shall be found due on such settlement shall then be immediately paid to the treasurer of the state, the said sheriff's deducting a commission of two and one-half per centum, for their trouble in collecting such moneys, and the treasurer of the state shall be allowed a commission of one-half per centum for all such moneys so as aforesaid paid into the treasury.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any of the said clerks, prothonotaries, justices, sheriffs or other officers before mentioned, shall neglect or refuse to do and perform the several duties required of them by this act, or shall wittingly and willingly spare, take off, discharge or conceal any fine, issue, amercement, forfeited recognizance or other forfeiture whatsoever which shall be due to the commonwealth, and ought to be certified, estreated or paid by him, by virtue of this act, such clerks, pro-

thonotaries, justice or justices, sheriffs or other officers, shall be indicted and fined for every such offense at the discretion of the court.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the act, entitled "An act for the effectual recovering and securing the fines, forfeitures and other moneys due or belonging to the commonwealth for the use of the same,"<sup>1</sup> shall have no effect or force whatever, after the publication of this act, except so far as the same may relate to fines, issues, amercements, forfeited recognizances, sum and sums of money paid in lieu and satisfaction of them, and other forfeitures, which have been set, imposed, lost or forfeited in the supreme court, or in any of the courts of common pleas, courts of general quarter sessions of the peace and gaol delivery, or before any special commissioners of oyer and terminer, in any county of this state, or before any justice or justices of the peace, before the publication of this act, to which purposes only the said recited act and all the powers and authorities therein given shall be and remain in force anything contained in this act notwithstanding.

Passed December 9, 1783. Recorded L. B. No. 2, p. 220, etc.

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## CHAPTER MLXIII.

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### AN ACT TO REVIVE AND CONTINUE IN FORCE THE ACTS OF ASSEMBLY REGULATING SALES BY PUBLIC AUCTION, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the assembly of this commonwealth in the year one thousand seven hundred and eighty, frequently made the title a part of the laws by them enacted:

And whereas from that and other good causes the act passed the twenty-third day of September, one thousand seven hun-

dred and eighty, entitled "An act to alter and amend an act, entitled 'An act for the effectual suppression of public auctions and vendues, and to prohibit male persons capable of bearing arms from being hawkers and pedlers,'"<sup>1</sup> and of consequence the supplement to the same passed April the thirteenth, one thousand seven hundred and eighty-two, expire by their own limitation, on the termination of the war with Great Britain, as will more fully appear, reference being had to the act on which the said acts are grafted passed on the twenty-sixth day of November, one thousand seven hundred and seventy-nine:

And whereas from the exigencies of the state it appears necessary that the said recited acts should be continued and made perpetual:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said act, entitled "A supplement to an act, entitled 'An act to alter and amend an act, entitled an act for the effectual suppression of public auctions and vendues, and to prohibit male persons, capable of bearing arms, from being hawkers and pedlers,'"<sup>2</sup> and every clause, matter and thing, therein contained, and so much of the act aforesaid, passed September the twenty-third, one thousand seven hundred and eighty, as is not altered or supplied by the said supplement, or by this act, shall be, and the same are hereby declared to be, in full force, and binding to all intents and purposes whatsoever, and made perpetual, as if every clause, matter and thing in the acts aforesaid (except as before excepted) were herein specially inserted.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any auctioneer or auctioneers appointed under this act, or any person or persons by his or their directions, shall, at any time hereafter, purchase on account or for the use of the said auctioneers, or any of them at his or their respective auctions, any goods, wares or merchandise, and the same be proved on the oath of

<sup>1</sup> Passed March 18, 1780, Chapter 899.

<sup>2</sup> Passed September 23, 1780, Chapter 919.

one or more credible witness or witnesses, before the justices of the quarter sessions in the city or county of Philadelphia; such auctioneer shall forfeit and pay the sum of five hundred pounds, one-half for the use of the state, and the other for the use of the person who informs and proves the buying aforesaid; to be recovered in any court of record within this state, and shall moreover be rendered incapable thereafter to serve in any post of honor or profit in this state.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the several and respective auctioneers shall once in every three months or oftener if thereunto required by the comptroller-general, exhibit and render their accounts upon oath or affirmation, to the said comptroller-general, of all the effects or property by him or them sold at any time before the said time of rendering the same account, and since his last settlement, and of the moneys paid by him to the treasurer arising from the duty upon sales; and any auctioneer so failing or neglecting shall be discharged from his place and his bond put in suit.

(Section V, P. L.) And whereas applications from many deserving citizens have been made for the office of auctioneer, the merits of which, from the short time the house intends to sit cannot now be decided:

[Section IV.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That John Bayard, William Brown and Alexander Boyd shall continue to do and execute the duty of auctioneer respectfully as they have heretofore done until the end of the next sitting of this house, or until they shall by their resolution otherwise direct or appoint.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That so much of the act aforesaid passed the twenty-third day of September, one thousand seven hundred and eighty as is altered or supplied by this act, be and the same is hereby repealed and made void.

Passed December 9, 1783. Recorded L. B. No. 2, p. 223, etc. See the Act of Assembly passed February 14, 1729-30, Chapter 308; March 19, 1789, Chapter 1400; March 27, 1790, Chapter 1494; February 26, 1791, Chapter 1529; April 4, 1785, Chapter 1158; April 10, 1799, Chapter 2073.

## CHAPTER MLXIV.

AN ACT TO CONFIRM THE TITLE TO A HOUSE AND LOT OF LAND ON MULBERRY STREET, IN THE CITY OF PHILADELPHIA, LATE THE ESTATE OF JOHN NICHOLAS, FOR WHICH SOME OF THE ORIGINAL DEEDS ARE LOST, AND TO ENABLE THE TRUSTEES OF THAT ESTATE TO CONVEY THE SAME.

(Section I, P. L.) Whereas by the act of general assembly of the commonwealth, entitled "An act for vesting several houses and lots of land the residuary real estate of John Nicholas, deceased, in trustees to sell the same, &c.,"<sup>1</sup> among other lands and tenements a certain house and lot of land on the south side of Mulberry street above Second street bounded eastward by a house and lot of John Reynell, southward by ground belonging to the heirs of Samuel Mickle, and westward by a house and lot of the heirs of Edward Warner, with the appurtenances was vested in Samuel Hudson, Marmaduke Cooper and Benjamin Morgan, their heirs and assigns forever in trust to sell the same by public vendue to the highest and best bidder, and upon the receipt of the full price or consideration offered or bid at vendue, by deed under the hands and seals of the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan to grant and convey the premises and every part of the same with the appurtenances to the purchasers thereof, their heirs and assigns forever:

(Section II, P. L.) And whereas the said trustees having in compliance with the directions of the said act of general assembly given timely notice of the sale of the premises in several of the Philadelphia newspapers, did on the twelfth day of February last past, expose to public sale the said house and lot in Mulberry street when William McIlhenny of the city of Philadelphia, tailor, purchased the same for the price of seven hundred pounds lawful money of Pennsylvania:

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<sup>1</sup> Passed December 3, 1782, Chapter 1001.

(Section III, P. L.) And whereas the said trustees have humbly represented to the legislature of this commonwealth, that some of the original deeds relative to the said lot of land are missing and cannot be produced in evidence of their title, and that James Steel of the said city of Philadelphia, gentleman, and Martha his wife by indenture bearing date the twenty-second day of January, one thousand seven hundred nineteen, twenty, had granted unto John Evans of the said city, felt-maker, a lot on Mulberry street, thirty-five feet wide and in length fifty-one feet (whereof the western most moiety being seventeen feet and a half by the aforesaid act of assmby was ~~rested~~ vested in the said trustees) he the said James Steel reserving to him and his heirs a yearly ground rent of three pounds ten shillings lawful silver money of America, the counter part of which indenture under the hand and seal of the said John Evans is recorded in the proper office, but the original under the hand and seal of the said James Steel is not recorded nor can the same be produced, that shortly after the said John Evans by irdenture, under his hand and seal, granted and conveyed the said whole lot of land to Thomas Redman, of the said city, bricklayer, which indenture is also recorded in the proper office, and that the said Thomas Redman by indenture, under his hand and seal, granted and conveyed the easternmost moiety of the said whole lot to Samuel Nicholas, brother of the said John Nicholas, subject to the apportioned ground rent of one pound fifteen shillings, payable to the said James Steel and his heirs, and that it is highly probable that about the same time the said Thomas Redman granted the said westernmost moiety of the said whole lot to the said John Nicholas, subject to the like apportioned ground rent, but his deed for the same is lost and no record thereof to be found; and further that the said two brothers Samuel Nicholas and John Nicholas have built together each on his said moiety a house, and that they and their respective heirs or devises have from time to time paid each his moiety of the said ground rent to the heirs of the said James Steel, and been in the peaceable possession of the premises upwards of fifty years; and have prayed the relief of this house in the premises:

(Section IV, P. L.) Therefore and in order to enable the said trustees with respect to the said house and lot in Mulberry street to execute the trust by the said act of assembly upon them conferred of selling and conveying the same:

[Section I.] (Section V, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That notwithstanding the want of the said Thomas Redman's original deed to the said John Nicholas and the record thereof, all the estate of the said Thomas Redman and his heirs in the said house and lot of land seventeen feet and six inches on the south side of Mulberry street and in length fifty-one feet, shall be and it is hereby fully and absolutely vested in the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan, their heirs and assigns in trust for the uses and purposes in the said recited act of general assembly declared and settled; subject nevertheless to the moiety of the said yearly ground rent of three pounds ten shillings to the heirs or devisees of the said James Steel forever.

Passed January 24, 1784. Recorded L. B. No. 2, p. 226, etc.

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## CHAPTER MLXV.

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### AN ACT TO VACATE AND ABOLISH PART OF TWO ROADS IN WARMINSTER TOWNSHIP, IN THE COUNTY OF BUCKS.

(Section I, P. L.) Whereas it hath been represented to this house by the petition of Joseph Hart, esquire, and Daniel Longstreth, yeoman, in behalf of themselves and others, inhabitants of the township of Warminster in the county of Bucks, that in November, one thousand seven hundred and thirty-one, a public road was laid out, beginning in the line dividing the counties of Philadelphia and Bucks in the end of a lane dividing Jacob Chamberlain's two plantations, extending thence the several courses and distances mentioned and expressed in a

certified copy of said road from under the hand of the clerk of the county court of general quarter sessions of the peace; in and for the county of Bucks, and the seal of said court; to the line dividing the townships of Warmister and Northampton; which two last courses and distances of said road are as follows, viz: Beginning in the line of James Vansant's land (now Silas Hart's) extending thence along the said line southeast one hundred and sixty-eight perches, and northeast sixty-nine perches into the Bristol road, and the line dividing the said township:

And whereas the said Joseph Hart and Daniel Longstreth have further represented that another public road was laid out in March, one thousand seven hundred and forty-eight, beginning in a road laid out from a road called Plumstead road, thence extending the several courses and distances mentioned and expressed in the certified copy aforesaid to the road by Bartholomew Longstreth (now Daniel Longstreth's) and, adjoining the aforesaid road, in the line of Gideon Decamp's land (now Silas Hart's); the two last courses and distances of which last mentioned road are as follows, viz: Beginning in the line dividing the townships aforesaid, thence between the lands of James Vansant (formerly Gideon Decamp's, but now Silas Hart's) and William Spencer, thence southwest sixty-nine perches to the line of Joseph Hart's land, thence along the same line, southeast seventy-two perches to the first mentioned road:

(Section II, P. L.) And whereas another road has been lately laid out and recorded, beginning where the last described road joins the first, in the line of the said Silas Hart's land, and extending thence northeast sixty-nine perches to the township line and Bristol road aforesaid, which said road renders useless so much of the aforesaid roads, whose courses and distances are herein particularly set down and described, containing three hundred and seventy-eight perches:

(Section III, P. L.) And whereas the continuing of roads when of no public utility, are not only injurious to the owners of the land where the same may happen, but likewise tends to increase the expenses of the highways, to the injury of individuals.

[Section I.] (Section IV, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, the aforesaid roads, on their two last courses and distances (against the continuance of which the said Joseph Hart and Daniel Longstreth have petitioned this house of assembly) containing in the whole three hundred and seventy-eight perches, be, and they are hereby declared to be discontinued and abolished.

Passed February 5, 1784. Recorded L. B. No. 2, p. 229, etc.

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## CHAPTER MLXVI.

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### AN ACT TO ESTABLISH A FERRY OVER THE MONONGAHELA AND YOUGHIOGHENY RIVERS, AND TO VEST THE RIGHT IN JOHN MCKEE, HIS HEIRS AND ASSIGNS FOREVER.

(Section I, P. L.) Whereas John McKee hath represented to this house by his petition, that for many years past, he hath kept a ferry over the Monongahela and Youghiogheny rivers, near the mouth of Youghiogheny river and that the right of property on both sides of the Monongahela, and the north side of Youghiogheny, is his; and therefore hath prayed, that the ferry may be established by law, and the right vested in him his heirs and assigns forever:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That John McKee, his heirs and assigns may at any time hereafter at his or their own proper cost and charge make or cause to be made, a convenient landing upon both sides of the Monongahela and the north side of Youghiogheny rivers, where he hath formerly kept the ferry, and the same shall keep and at all times hereafter maintain in good order and repair fit for men, horses and carriages to pass

and repass; and also that the said John McKee, his heirs and assigns shall provide and maintain a good and substantial boat or boats, and capable and good ferry men, who shall duly and constantly attend as occasion may require, and shall at all times be subject to such rates, rules and regulations as the legislature of this state may in future direct and appoint.

Passed February 5, 1784. Recorded L. B. No. 2, p. 230, etc.

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## CHAPTER MLXVII.

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A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO ENCOURAGE THE SPEEDY APPREHENDING AND BRINGING TO JUSTICE DIVERS ROBBERS, BURGLARS AND FELONS."<sup>1</sup>

(Section I, P. L.) Whereas [by] the second and third sections of the act, entitled "An act to encourage the speedy apprehending and bringing to justice, divers robbers, burglars and felons,"<sup>1</sup> it was enacted, that upon the apprehending and delivering any of the persons therein named, to the sheriff of any county within this state, in the common gaol of the said county, or to the keeper of any gaol there, the person or persons so apprehending and delivering, should be entitled to receive the rewards therein mentioned: And whereas it is highly unreasonable that the commonwealth should pay the said rewards, unless the person or persons so apprehended and delivered may be safely kept in order to be brought to trial:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the rewards mentioned in the second and third sections of the act aforesaid, shall not be paid to the person or persons apprehending and delivering any of the robbers, burglars or felons therein named, unless the said robbers, burglars or felons so apprehended shall be delivered to

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<sup>1</sup> Passed September 8, 1783, Chapter 1028.

the high sheriff of the county of Philadelphia, in the common gaol of the said county, or to the keeper of the gaol in the said county, anything in the said act to which this is a supplement, to the contrary in anywise notwithstanding.

\*Passed February 9, 1784. Recorded L. B. No. 2, p. 232, etc.

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## CHAPTER MLXVIII.

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### AN ACT FOR ANNEXING PART OF WESTMORELAND COUNTY TO THE COUNTY OF FAYETTE.

(Section I, P. L.) Whereas the inhabitants of that part of Westmoreland county, circumscribed by Fayette county on the west, on the east by part of Bedford county and on the north by part of Westmoreland county; have represented to the assembly of this commonwealth by their petition, the remote distance they may be left from the seat of justice, and the inconsiderable size of the new county:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all that part of Westmoreland county, beginning at the mouth of Jacob's creek, thence up the main branch of the said creek to Cherry's mill; thence along the road leading to Jones' mill, until the same shall intersect the line of Bedford county; thence southwesterly by the line of Bedford county aforesaid, until the same intersects the Youghiogheny river; thence down the said river to the place of beginning; be and the same is hereby annexed to the said county of Fayette; and to all intents and purposes constituted a part of the same.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of all that part of Westmoreland county, by this act annexed to the said

county of Fayette, shall at all times hereafter have and enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever, which the inhabitants of Fayette county, or that the inhabitants of any other county within this state, do, may or ought to enjoy by any charter of privileges, or the laws of this state; or by any other ways and means whatsoever.

Passed February 17, 1784. Recorded L. B. No. 2, p. 223, etc.

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## CHAPTER MLXIX.

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**AN ACT TO ESTABLISH AND CONFIRM THE TITLE OF RICHARD GARDINER IN A CERTAIN LOT AND TENEMENT THEREON ERECTED, AND SITUATED IN THE CITY OF PHILADELPHIA.**

(Section I, P. L.) Whereas Richard Gardiner of the city of Philadelphia, yeoman, hath represented by his petition to this general assembly, that his title to a certain lot with a tenement thereon erected, situated on the west side of Front street between Sassafras and Vine streets, in the said city, containing in breadth on the said Front street fifteen feet, and in length or depth two hundred and thirteen feet, bounded eastward with Front street aforesaid, southward with a messuage and lot late of William Fisher, deceased, westward with the lot late of Joshua Tittery, deceased, and northward with the messuage and ground late of Messieurs White and Taylor; is rendered defective, by the loss of one certain deed of conveyance for the same, from Pheobe Hawkins, widow and administratrix of William Hawkins, formerly of the said city, deceased, unto Sarah Gardiner, the grandmother of the petitioner; the loss of which said deed hath been made appear to a committee of this house appointed to hear the case of the petitioner:

(Section II, P. L.) And whereas, agreeable to the report of the said committee, and in compliance with the order of this house, made the tenth day of November, one thousand seven hundred and eighty-three, the said Richard Gardiner hath given full notice of his application to this house, in the premises:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said house and lot of ground bounded as aforesaid with the hereditaments and appurtenances aforesaid, are and shall be vested in the said Richard Gardiner his heirs and assigns and that the said Richard Gardiner and his heirs no wdo stand and from the publication of this act shall stand seized of the said premises and of every part and parcel thereof with the appurtenances to and for the only proper use and behoof of the said Richard Gardiner has been and assigns forever, as effectually in law and equity to all intents and purposes as if the said deed from the said Phoebe Hawkins to the said Sarah Gardiner had not been lost; and that the title of the said Richard Gardiner to the said house and lot shall not be anywise prejudiced, or impeached in any court of law or equity, for or by reason of the loss of the said deed, or for want of producing the same; subject nevertheless, to such quit-rents, estates and encumbrances, as are, or may be legally charged on the same, or any part or parcel thereof.

Passed March 11, 1784. Recorded L. B. No. 2, p. 234, etc.

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## CHAPTER MLXX.

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AN ACT TO ESTABLISH AND CONFIRM THE ESTATE OF HENRY GURNEY IN CERTAIN MESSUAGES, TENEMENTS AND LOTS OF LAND, SITUATED AND BEING WITHIN THE CITY AND COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas Henry Gurney of the Northern Liberties of the city of Philadelphia, did, at the time the British troops were approaching the city of Philadelphia, bury in the ground a trunk containing his title deeds and other valuable writings for their safety, which not being sufficiently secured from dampness and moisture, the following deeds relating to the titles of estates belonging to and in the possession of

the said Henry Gurney are thereby materially damaged and in a great measure destroyed: That is to say, one deed from Thomas England and Matthew Bellis, bearing date the tenth day of July, one thousand seven hundred, granting unto Thomas Taylor, his heirs and assigns, a lot of ground situated on the north side of Chestnut street in the city of Philadelphia, between the Fourth and Fifth streets from Delaware, bounded on the west by ground now of the said Henry Gurney, and on the east by a lot late of Matthew Drason, deceased, and containing in front on Chestnut street thirty feet, and in depth one hundred and seventy-eight feet; one other deed from Thomas Taylor bearing date the fourth day of July, one thousand seven hundred and two, granting and conveying the same premises unto Thomas Wharton, his heirs and assigns; one other deed from Thomas Wharton bearing date the fifth day of January, one thousand seven hundred and three, granting and conveying the same premises unto John Hart, his heirs and assigns; and one other deed from William Parr, esquire, sheriff of Philadelphia county bearing date on or about the fifteenth day of December, one thousand seven hundred and sixty-six, granting and conveying the same premises, by him taken in execution and sold at the suit of George Moore against Albertus Shochelear, administrator of John Mills, unto John Ross, esquire, his heirs and assigns, which said lot of ground is now in the tenure of James Wilson, esquire; also deeds of lease and release from Benjamin Morgan, bearing date respectively the twenty-seventh and twenty-eighth days of April, one thousand seven hundred and forty-four, granting and conveying unto Evan Morgan, his heirs and assigns, the easternmost moiety of a certain forty foot lot of ground situated on the west side of the above described premises, and extending in depth from Chestnut street one hundred and seventy-eight feet; and one deed from Evan Morgan, John Ross and Catherine Morgan, executors of the last will of the said Benjamin Morgan, bearing date the ninth day of February, one thousand seven hundred and forty-nine, granting and conveying unto Nathaniel Allen, his heirs and assigns, the westernmost moiety of the said forty feet lot; and one deed from Nathaniel Allen bearing date the tenth day of February, one

thousand seven hundred and forty-nine, granting and conveying unto Evan Morgan, his heirs and assigns the said westernmost moiety of the said lot of ground; and one deed from Evan Morgan bearing date the twelfth day of January, one thousand and seven hundred and sixty-three, granting and conveying unto John Ross, esquire, his heirs and assigns the whole of the said forty feet lot, which said lot with the mansion house and buildings thereon erected is now in the tenure of the said James Wilson, esquire; also one deed bearing date the third day of December, one thousand seven hundred and fifty-one, from Richard Sewell, esquire, sheriff of Philadelphia county, granting and conveying unto Thomas Lawrence, his heirs and assigns, a message and lot, situated on the south side of Apple tree alley in the city of Philadelphia, lying between the lots late of John Knowles, deceased, and John Nicholas Cresman, being fifteen feet in front and extending sixty feet back to other ground of the said Henry Gurney, and now in possession of the Widow Pyles; and one deed of uncertain date, the same being from Thomas Lawrence, granting and conveying the same premises unto John Ross, esquire, his heirs and assigns: also one deed bearing date the twenty-seventh day of March, one thousand seven hundred and nineteen, from Anthony Morris, granting and conveying unto George Coats, his heirs and assigns, a lot of ground situated on the east side of Second street, between High and Mulberry streets in the said city, containing in front nineteen feet three inches, and in depth one hundred feet, and which is bounded on the north by the messuage and lot of the Widow Elfrith, and on the south by a messuage and lot of the said Henry Gurney, now in the tenure of Martha Scott, reserving a ground rent of three pounds sterling yearly forever; also a deed of uncertain date, the same being defaced, from George Coats, granting and conveying unto Thomas Masters, his heirs and assigns the same described lot; also a deed of uncertain date, the same being defaced, from Joseph Pidgeon granting and conveying unto Thomas Masters, his heirs and assigns, a lot of ground situated on the west side of Turner's lane, now called Chancery lane in the said city, containing thirty-one feet in front, on the said lane and sixty-six feet nine

inches in depth to the back end of the last afore described lot and now bounded on the south by a lot of William Craig, and on the north by ground late of Anthony Morris; also a deed bearing date the twenty-fifth day of November, one thousand seven hundred and fifty-two, from Samuel Appowen and Hannah his wife (late Hannah Cox) granting and conveying unto John Ross, esquire, his heirs and assigns the afore described lots on Second street and Turner's or Chancery lane with the messuage and buildings thereon, which premises are all in the tenure of James Thomson; also deeds of lease and release bearing date respectively the twenty-eight and twenty-ninth days of September, one thousand and seven hundred and twenty-two from Francis Rawle and Martha his wife, granting and conveying unto John Heap, his heirs and assigns a lot of ground on the east side of Second street, now bounded on the south by the said William Craig's ground, on the east partly by the said Craig's ground, and partly by the back end of said lot, on Turner's or Chancery lane, and on the north by the afore described Second street lot of the said Henry Gurney, and containing in breadth twenty feet and in depth one hundred feet, reserving a rent of six pounds silver money yearly forever; which lot with the messuage and buildings thereon are now in the tenure of Martha Scott; also one deed from Owen Owen, esquire, sheriff of Philadelphia county bearing date the sixth day of September, one thousand seven hundred and twenty-seven, granting and conveying the said lot of ground and premises unto Richard Hill, esquire, his heirs and assigns forever, the same being taken in execution and sold as the estate of the said John Heap, at the suit of the trustees of the general loan office; also one deed bearing date on or about the fifth day of April, one thousand seven hundred and fifty-seven, from Samuel Preston Moore, esquire, and Hannah his wife, granting and conveying the said lot of ground and premises unto John Ross, esquire, his heirs and assigns forever; also one deed bearing date on or about the fourth day of September, one thousand seven hundred and forty-six, from Nicholas Scull, esquire, sheriff of Philadelphia county, granting and conveying unto James Boyden, his heirs and assigns forty-three acres and an half and twenty perches of land,

situated in Oxford township in the said county, adjoining the river Delaware and the lands of James Bingham, Jacob Hall, Thomas Kent and others, late the estate of Arthur Jones, deceased, taken in execution and sold at the suit of William Allen, esquire, against John Evans and Griffith Jones, executors of the last will of the said Arthur Jones; also one deed bearing date the tenth day of March, one thousand seven hundred and forty-nine, from Richard Sewell, esquire, sheriff of the said county, granting and conveying unto Jacob Hall, his heirs and assigns the above mentioned forty-three acres, and an half and twenty perches of land taken in execution at the suit of William Jackson against Robert Greenway, executor of the last will of the said James Boyden; also one deed bearing date the eleventh day of March, one thousand seven hundred and forty-nine, from the said Jacob Hall granting and conveying unto John Ross, esquire, the same premises, which premises are now in the tenure of James Glen; also one deed, of uncertain date, from William Hayes unto John Ross, esquire, for a lot [of ground] in Kensington, in the county of Philadelphia, containing in breadth on Warren street twenty feet and in depth sixty feet, bounded southward by Warren street, northeastward with ground of Jacob Miller, and northward and southward with ground of William Ball, esquire, and now in the tenure of the said William Ball, esquire:

(Section II, P. L.) And the said Henry Gurney hath therefore prayed for the aid of the legislature to establish the said deeds and confirm his titles so far as the same deeds relate thereto:

(Section III, P. L.) And whereas this house did, on the sixth day of February last, give leave to the said Henry Gurney to bring in a bill agreeably to the prayer of his petition, he giving notice thereof at least for three weeks in one of the English and one of the German newspapers of this city, and it hath been proved to this house, that notice hath been given accordingly:

[Section I.] (Section IV, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said several messuages, lots, lands, tenements and hereditaments with their and

every of their appurtenances, are and shall be vested in the said Henry Gurney, his heirs and assigns, and that the said Henry Gurney and his heirs now do stand, and from and after the publication of this act, shall stand seized of the said premises and of every part and parcel thereof, with the appurtenance to and for the proper use and behoof of the said Henry Gurney, his heirs and assigns forever, as effectually in law and equity to all intents and purposes as if the said several deeds herein, or meant or mentioned to be herein recited, or any of them had not been damaged, defaced or destroyed, and that the title of the said Henry Gurney to all and every part and parcel of the said messuages, lots, lands, tenements and hereditaments with the appurtenances, shall not be anywise prejudiced or impeached in any court of law or equity for or by reason of the loss or destruction of the said deeds or any of them or for want of producing the same; subject nevertheless to such rents, estates and encumbrances as are or may be legally charged on the same or any part or parcel thereof.

Passed March 11, 1784. Recorded L. B. No. 2, p. 235, etc.

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## CHAPTER MLXXI.

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### AN ACT TO ESTABLISH A PUBLIC FERRY OVER THE YOUGHIOGHENY RIVER, AND FOR VESTING THE RIGHT IN JOHN SUMRALL, HIS HEIRS AND ASSIGNS.

(Section I, P. L.) Whereas John Sumrall hath, by petition, presented to this house, represented, that for many years past he hath kept a ferry over the Youghiogheny river, at his plantation; and that a good and well conducted ferry at that place would be a public benefit; therefore prayed, that his ferry might be established by a law, and the right vested in him, his heirs and assigns.

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the

Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That it shall and may be lawful, from and after the passing of this act, for the said Sumrall, his heirs and assigns, at his and their own proper cost and charge, to make or cause to be made a good and convenient landing upon both sides of the river Youghiogheny, at, or near the place where he hath formerly kept the ferry, and shall at all times hereafter maintain the same in good order and repair, fit for men, horses and carriages to pass and repass; and further the said John Sumrall, his heirs and assigns, shall provide and maintain a good and substantial boat or boats, and careful ferrymen, who shall duly and constantly, as occasion may require attend for the purpose of transporting travellers over the said river; which ferry shall be subject to such rules, rates and regulations, as the legislature of this state may in future direct and appoint.

[Section II.] Provided always, That nothing contained in this act shall be construed to vest a right in the said John Sumrall, his heirs and assigns, to land any boat or boats upon any landing belonging to any other person or persons without their consent first had and obtained.

Passed March 11, 1784. Recorded L. B. No. 2, p. 241, etc.

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## CHAPTER MLXXII.

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### AN ACT TO ESTABLISH A PUBLIC FERRY AT THE TOWN OF PITTSBURG, IN WESTMORELAND COUNTY, AND FOR VESTING THE RIGHT IN JOHN ORMSBY, HIS HEIRS AND ASSIGNS FOREVER.

(Section I, P. L.) Whereas John Ormsby hath represented by his petition to this house, that he for many years past has to the great conveniency of travellers kept a ferry from the town of Pittsburg and over the Monongahela river; this house being fully convinced that the establishing a public ferry from the town of Pittsburg and vesting the right in John Ormsby, his heirs and assigns forever, will be a public benefit:

[Section I.] (Section I, P. L.) [sic] Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That it shall and may be lawful for the said John Ormsby, his heirs and assigns from and after the passing of this act to make or cause to be made at his or their own proper cost and charge, a good and convenient landing as near his present landing upon the Pittsburg side of the Monongahela as the bank will admit, and the same he or they shall at all times hereafter keep and maintain in good and sufficient order and repair, fit for carriages to pass and repass with ease and conveniency; and further the said John Ormsby, his heirs and assigns shall at all times hereafter provide and maintain a good and substantial boat or boats, and sufficient ferrymen who shall duly and constantly, when occasion requires, attend for the purposes of transporting travellers from Pittsburg to the southwest side of the river Monongahela; the said ferry being subject to such rules, rates and regulations as the legislature of this state may in future direct and appoint.

[Section II.] (Section III, P. L.) Provided always, That nothing contained in this act shall be construed to vest a right in the said John Ormsby, his heirs and assigns to land any boat or boats upon any landing belonging to any other person or persons without their consent first had and obtained.

Passed March 11, 1784. Recorded L. B. No. 2, page 243, etc.

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### CHAPTER MLXXIII.

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#### AN ACT TO ESTABLISH A FERRY OVER THE OHIO RIVER, AT THE MOUTH OF SAW-MILL RUN.

(Section I, P. L.) Whereas Daniel Elliot, of the county of Washington, by his petition hath represented to this house, the necessity of having a ferry established on the river Ohio at the mouth of Saw-mill run, about one mile below Fort Pitt, from the

land of the said Daniel Elliot at the mouth of the said run on the southwest side of the said river, over to the northeast side thereof, into the reserved lands of this state, and praying the said ferry to be established in right of him the said Daniel Elliot, his heirs and assigns; and this house being fully satisfied that a public ferry at the place aforesaid would be of public utility:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the said Daniel Elliot, his heirs and assigns at his or their proper cost and charges to make or cause to be made, at or near the mouth of said run a convenient landing place, and shall keep and maintain the same in good order and repair, fit for men, horses and carriages to pass and repass from thence over the said river, into the tract reserved for the use of this state, and shall also provide and maintain a good and substantial boat or boats, and capable ferrymen who shall duly and constantly attend as occasion may require, under and subject to such charges, rules and regulations, as to the legislature of this state hereafter shall seem meet.

Passed March 11, 1784. Recorded L. B. No. 2, p. 244, etc.

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## CHAPTER MLXXIV.

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### AN ACT FOR INCORPORATING THE PRESBYTERIAN CHURCH IN HANOVER TOWNSHIP, LANCASTER COUNTY.

(Section I, P. L.) Whereas the minister, elder and others, members of the Presbyterian church in Hanover township, in the county of Lancaster, by their petition have prayed that their said church may be incorporated, and by law enabled as a body corporate and politic, to receive and hold such charitable dona-

tions and bequests as may from time to time be made to their society and vested with such powers and privileges as are enjoyed by the other religious societies who are incorporated in this state:

(Section II, P. L.) And whereas it is just and right, and also agreeable to the true spirit of the constitution that the prayer of their said petition be granted:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That John Cooper, James Johnston, James McCreight, Daniel Broadley, George Crain, John McEwen, John Robinson, Richard Dermond and Ambrose Creain, and their successors duly elected and appointed, in such manner and from as hereinafter is directed, be and they are hereby made and constituted a corporation and body politic in law and in fact to have continuance forever, by the name, style and title of "The Presbyterian Church in Hanover township in the county of Lancaster."

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name, style and title aforesaid shall forever hereafter be able and capable in law, as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise were conveyed to the said Presbyterian church in Hanover township and county aforesaid, or to the religious congregation, worshipping therein now under the pastoral charge and care of the Reverend Matthew Woods, or to any other person or persons to their use, or in trust for them and the same lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, are hereby vested and established in the said corporation and their successors forever, according to their original use and intention. And the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases,

devises or other conveyances thereof is or are declared, limited and expressed, as also that the said corporation and their successors aforesaid, at all times hereafter shall be capable and able to purchase, have, receive, take, hold and enjoy in fee simple or of any other less estate or estates, any lands, tenements, rents, annuities, liberties, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic, a corporate, capable and able to make the same and further that the said corporation may take and receive any sum or sums of money, and any manner or portion of goods and chattels, that shall be given or bequeathed to them by any person or persons, bodies politic or corporate, capable to make a gift or bequest thereof; such money, goods and chattels to be laid out by them in a purchase or purchases of lands, tenements, messuages, houses, rents, annuities or hereditaments, to them and their successors forever, or the moneys lent on interest, or otherwise disposed of according to the intention of the donors.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the rents, profits and interest of the said church and corporation shall by the said trustees and their successors from time to time, be applied for the maintenance and support of the pastor of the said church, for salaries to their clerk and sextor, and in repairing and maintaining their lot and house of public worship, burial ground, school house and other tenements which now do, or hereafter shall belong to the said church and corporation.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if hereafter the building for public worship or any other tenements of the said society shall be burnt, endangered or otherwise rendered unfit for use, or if hereafter the said house of public worship shall appear to be too small to accommodate the congregation, whereby it shall become necessary to rebuild or repair the same that then and in such case it may be lawful for the said corporation and their successors to make sale or otherwise [dispose] of any part or parcel of the said real or personal estate other than the site of the house of public worship, burial ground and school house, for the purposes aforesaid and not otherwise.

[Section V.] (Section VII, P. L.) Provided always, and be it further enacted by the authority aforesaid, That in the disposal and application of the public moneys of the said corporation or in the making sale or disposition of any part or parcel of the real or personal estate of the said corporation, for any of the purposes aforesaid the consent and concurrence of the major part of the regular members of the said church, qualified as hereinafter is directed shall be had and obtained, and the votes herein after directed to be taken shall be by ballot, and also that the said trustees in like manner qualified, shall be admitted to vote therein as members of the said church.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors shall not by deed, fine or recovery, or by any other ways or means, grant, alien or otherwise dispose of any, manors, messuages, lands, tenements or hereditaments in them or their successors vested or hereafter to be vested, nor charge nor encumber the same to any person or persons whatsoever, except as hereinbefore is excepted.

(Section IX, P. L.) Provided nevertheless, That no deed or other conveyance made by the said trustees or their successors, bona fide and for valuable consideration for any part of the real estate of the said corporation, in case the possession thereof immediately pass to the purchaser and continue in him, his heirs and assigns, shall be invalidated, or called in question, for want of the consent and concurrence aforesaid, or for want of conformity to this act unless the same be done within seven years from and after the sale and delivery of the possession of such real estate to the purchase and purchasers thereof.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors or the majority of any five of them met, from time to time, after public notice given the preceding Lord's day, commonly called Sunday, from the desk or pulpit of the said church, immediately after divine service, before the congregation are dismissed, or after regular notice in writing left at the house of each trustee, and the particular business having been mentioned at least one meeting before; be authorized and empow-

ered, and they are hereby authorized and empowered to make rules, by-laws and ordinances, and to do everything needful for the good government and support of the secular affairs of the said church.

(Section XI, P. L.) Provided always, That the said by laws, rules and ordinances, or any of them, be not repugnant to the laws of this commonwealth, and that all their proceedings be fairly and regularly entered in a church book to be kept for that purpose, and also that the said trustees and their successors, by plurality of votes of any five or more of them met as aforesaid, after such notice as aforesaid be authorized and empowered, and they are hereby authorized and empowered to elect and appoint from among themselves a president and also to elect and appoint from among themselves or others a treasurer and secretary, and the same president, treasurer and secretary or any of them, at their pleasure to remove, change, alter or continue as to them or a majority of any five or more of them, so met as aforesaid from time to time shall seem to be most for the benefit of the said church and corporation.

[Section VIII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation, and their successors shall have full power and authority to make, have and use one common seal with such device and inscription as they shall think proper, and the same to break, alter and renew at their pleasure.

[Section IX.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name of the trustees of the Presbyterian church in Hanover township in the county of Lancaster shall be able and capable in law, to sue or be sued, plead and be impleaded, in any court or courts, before any judge or judges, justice or justices, in all, and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever, kind, nature or form they may be, and all and every matter and thing therein to do in as full and effectual a manner as any other person or persons, bodies politic or corporate within this commonwealth may or can do.

[Section X.] (Section XIV, P. L.) And be it further enacted

by the authority aforesaid, That the said corporation shall always consist of nine members, called and known by the name of "The trustees of the Presbyterian church in Hanover township" and the said members shall at all times hereafter be chosen by way of ballot, by a majority of votes of such members met together of the said church or congregation, as shall have been enrolled in the aforesaid book, as stated worshippers with the said church for not less than the space of one year, and shall have paid one year's pew rents or other annual sum of money not less than ten shillings for the support of the said pastor and other officers of the said church their lot and house of public worship, and other lots and tenements belonging to the said church and corporation and towards the other necessary expenses of the said church, and shall not at the time of voting be more than one year behind or in arrears for the same.

(Section XV, P. L.) Provided always, That the pastor of the said church for the time being, shall be entitled to vote equally with any member of the said church or corporation.

(Section XVI, P. L.) And provided also, That all and every person or persons qualified as aforesaid to vote and elect, shall and may be capable and able to be elected a trustee aforesaid.

[Section XI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said John Cooper, James Johnson, James McCreight, Daniel Broadley, George Crain, John McEwen, John Robinson, Richard Dermond and Ambrose Crain, the first and present trustees hereby incorporated shall be and continue trustees aforesaid until they shall be removed in manner following: That is to say, one-third part in number of the trustees aforesaid, being the third part herein first named and appointed, shall cease and discontinue, and their appointment determine on the Monday next after the first Lord's day commonly called Sunday, in October which will be in the year of our Lord one thousand seven hundred and eighty-four; upon which day a new election shall be had and held of so many others in their stead and place by a majority of the persons met and qualified to vote agreeably to the true intent and meaning of this act, and to elect as aforesaid; and on the Monday next after the first Lord's day commonly called Sunday, in October in

the year following, the second third part in number of the trustees herein named shall in like manner cease and discontinue, and their appointment determine, and a new election be had and held of so many in their place and stead, and in like manner and on the Monday next after the first Lord's day, commonly called Sunday, in October in the year then next following, the last third part in number of the said trustees shall in like manner cease and discontinue, and their appointment determine, and a new election be had and held in like manner as herein before is directed; and that in the same manner, and by the like mode of rotation, one third part in number of the said trustees shall cease and discontinue, and their appointment determine, and a new election of the said third part be had and held in manner aforesaid, on the Monday next after the first Lord's day commonly called Sunday, in the month of October in every year forever; so that no person or persons shall be or continue, a trustee or trustees of the said church for any longer time than three years together unless he be re-elected.

(Section XVIII, P. L.) Provided always, That the persons belonging to the said church, who are in and by this act authorized and empowered to elect shall and may be at liberty to re-elect any one or more of the trustees whose times shall have expired on the day of the said annual election, whenever and so often as they shall think fit.

(Section XIX, P. L.) Provided also, That when any vacancy shall happen by the death, refusal to serve, or removal of any one or more of the trustees aforesaid, pursuant to the directions of this act; an election shall be had of some fit person or persons in his or their places and stead, so dying, refusing or removing, as soon as conveniently can be done; and the person or persons so elected shall be, remain and continue as a trustee or trustees aforesaid, so long without a new election as the person or persons, in whose place and stead he or they shall have been so elected as aforesaid would have remained or continued, and no longer; and that in all cases of a vacancy happening by the means in this act last mentioned, the remaining trustees shall be empowered to call a meeting of the electors for supplying the said vacancy such meeting to be notified and published from

the desk or pulpit of the said church in like manner as hereinbefore is directed and appointed for notifying and publishing the meeting of the trustees.

[Section XII.] (Section XX, P. L.) Provided always, and it is hereby enacted by the authority aforesaid, That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation shall not exceed the sum of five hundred pounds lawful money of the state of Pennsylvania, to be taken and esteemed exclusively of the moneys arising from the letting of the pews, and the contributions belonging to the said church and also exclusive of the moneys arising from the opening of the grounds or burials, which said money shall be received by the said trustees, and disposed of by them in the manner herein before described pursuant to the vote or votes of the members of the said church duly qualified to vote and elect as aforesaid.

Passed March 15, 1784. Recorded L. B. No. 2, p. 245, etc.

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## CHAPTER MLXXV.

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AN ACT FOR RAISING, BY WAY OF LOTTERY, THE SUM OF FORTY-TWO THOUSAND DOLLARS, FOR IMPROVING THE PUBLIC ROADS LEADING FROM THE CITY OF PHILADELPHIA TO THE WESTERN PARTS OF THIS STATE, AND TOWARDS THE IMPROVING THE NAVIGATION OF THE RIVER SCHUYLKILL.

(Section I, P. L.) Whereas it is represented to this house, that the public roads leading from the city of Philadelphia to the western parts of this state are in bad repair, occasioned in some measure by the inability of the inhabitants of the several townships, through which the said roads pass, to improve the same; and it being of great consequence, that the most distant inhabitants should be enabled to bring the produce of their lands to market with the greatest facility, thereby the more effectually to promote the trade and commerce of this state:

And whereas it is also represented to this house that the improving the navigation of the river Schuylkill will be of great benefit to the inhabitants of this country, by enabling a vast number of them to bring their produce to market at a cheap rate and for [other] purposes therein mentioned.

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That Michael Hillegas, Benjamin Fuller and Mathew Clarkson, esquires, shall be and they are hereby nominated and appointed managers and directors of the lottery hereby instituted and directed to be drawn for the preparing and disposing of tickets, and to oversee the drawing of the lots, and to order and perform all such other matters and things as are hereinafter directed and appointed, by such managers and directors to be done and performed and that the said managers or a major part of them shall meet together at some convenient place by them to be appointed for the execution of the powers and trust reposed in them by this act, and shall cause four different sets of proper books to be prepared, in which each leaf shall be divided and distinguished into three columns and upon the innermost or first of the three columns there shall be printed ten thousand tickets, numbered one, two, three and so onwards in an arithmetical progression where the common excess is to be one until they raise to and for the number of ten thousand, and upon the third column of every of the said books there shall be printed ten thousand tickets of the same breadth and form, and numbered in like manner, and in the middle column of each of the said books, there shall be printed a third rank or series of tickets of the same number with those of the other two columns which tickets shall be joined with oblique lines or devices in such manner as the said managers shall direct, and that every of the last mentioned tickets shall have written or printed thereupon (besides the number of such ticket and the class to which it doth belong and the year of our Lord) the following words, viz: "Pennsylvania State Lottery." This ticket entitles the bearer to such prize as may be drawn

against its number, if demanded in nine months after the drawing is finished, subject to a deduction of fifteen per centum."

(Section III, P. L.) That every of the tickets in the middle column of the first set of books so prepared, shall likewise have printed thereon, class the first; and every of the tickets in the middle column of the second set of books so prepared, shall have printed thereon, class the second; and every of the tickets in the middle column of the third set of books, so prepared, shall have printed thereon, class the third; and that every of the tickets in the middle column of the fourth set of books so prepared shall have printed thereon, class the fourth.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said managers shall have full power and authority to sell and dispose of, to such person or persons as shall choose to adventure in the said lottery, the said tickets of the middle column aforesaid at the following rates, viz: The ten thousand of the first class, for four Spanish milled dollars each; ten thousand of the second class for six like dollars each, ten thousand of the third class for eight like dollars each, ten thousand of the fourth class, for ten like dollars each. Which tickets in the respective classes shall be sold and disposed of for ready money and not otherwise, and upon the receipt of such sum of four dollars aforesaid shall deliver to the adventurer one of the tickets in the first class so sold, signed by one of the said managers and cut out of the said books through the said oblique lines and devices, indentwise, to be kept and used for the better ascertaining and securing, his, her or their interest in the said ticket in case it should be fortunate.

(Section V, P. L.) And after the drawing the said first class, as hereinafter directed and publishing the fortunate numbers in two of the public newspapers in Philadelphia, and after paying the prizes so drawn, the said managers shall have the like authority to sell and dispose of the tickets in the second class, and shall upon the receipt of six dollars deliver to the adventurer [one] of the tickets in the second class, cut out in the manner and for the uses aforesaid; and after drawing the said second class, as hereinafter directed, and publishing the fortunate numbers in manner aforesaid, the said managers after paying the

prizes so drawn in said second class, shall have the like authority to sell and dispose of the tickets in the third class, and shall upon the receipt of eight dollars deliver to the adventurer one of the tickets in the third class, cut out in manner, and for the uses aforesaid, and after drawing the said third class, as hereinafter directed, and publishing the fortunate numbers in manner aforesaid, the said manager after paying the prizes so drawn in said third class, shall have the like authority to sell and dispose of the tickets in the fourth class, and shall upon the receipt of ten dollars deliver to the adventurer one of the tickets in the fourth class, in manner and for the uses aforesaid, and after drawing the said fourth class as hereinafter directed, and publishing the fortunate numbers in manner aforesaid, the said managers, shall pay the prizes so drawn in the said fourth class.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That for the greater security of the adventurers, and punctual payment of the prizes that shall be drawn in the several classes in the said lottery the said managers shall pay weekly into the bank of North America all the moneys arising from tickets by them sold, for which they shall receive from the said bank such acknowledgements in behalf of the commonwealth for the purposes in this act mentioned as are usually given by the said bank for other moneys deposited therein.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That for the enabling the [said] managers to pay to pay [sic] off the prizes of the respective classes as they are severally drawn, and for discharging the incidental expenses attending the management and drawing [of] the said lottery, that orders shall be drawn by the said managers, or any two of them on the said bank in checks provided for that purpose, expressing that such drafts are upon account of the said lottery.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That after all the tickets of the middle column in the first class, shall be sold as aforesaid, the said managers or a majority of them, taking to their assistance three

of the justices of the peace of the city or county of Philadelphia, shall cause all the tickets of the extreme column in the said books, of the said first class, the same being cut out of the said books. indentwise through the said oblique lines or devices, to be carefully rolled up and made fast with thread or silk and shall cause them to be put into a box, to be prepared for that purpose marked with the letter A; and to be immediately after sealed with the several seals of the said managers, until the said tickets are to be drawn, as is hereinafter mentioned; and [that] the tickets of the first or innermost columns of the said books, shall remain still in the said books, for the discovering any mistake or fraud, if such should happen to be committed contrary to the true meaning of this act.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said managers or a majority of them, with the assistance of the said justices of the peace shall also prepare or cause to be prepared two thousand six hundred and sixty-one prizes for the first class, on which prize tickets there shall be written or expressed, as well in figures as in words at length, in manner following: That is to say, upon one of them fifteen hundred dollars, upon one other of them one thousand dollars; upon four other of them severally five hundred dollars; upon fifteen other of them severally one hundred dollars; upon forty other of them severally fifty dollars; upon one hundred other of them severally twenty dollars; and on two thousand five hundred other of them severally eight dollars; which principal sums, so to be expressed upon the said tickets, will amount in the whole to thirty thousand dollars, out of which and every of the said fortunate tickets in all and every of [the] classes aforesaid, or sums thereon expressed the said managers are hereby authorized and required to deduct fifteen per centum and no more amounting in the whole to forty-two thousand dollars, the sum intended for the uses and purposes in this act hereafter mentioned and specified.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said managers or a majority of them with the justices of the peace aforesaid shall cause the said prize tickets of the first class, written upon as

aforesaid to be carefully rolled up and fastened with silk or thread, and put into another box, to be prepared for that purpose, and marked with the letter B, and sealed up with the several seals of the said managers, and carefully kept by them until those tickets shall be drawn in manner and form herein-after mentioned.

[Section VIII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said managers or a majority of them with the said justices of the peace, shall cause the said boxes with all the tickets therein, to be carried to some public or convenient room in the city of Philadelphia by nine of the clock in the forenoon on a certain day to be by them appointed and placed on a stage or table there, and shall then and there severally attend the service and cause the two boxes containing the said tickets to be unsealed and opened, and the tickets or lots in the said boxes being in the presence of the said managers and the said justices of the peace and such of the adventurers as shall think proper to be there, well shaken and mingled in each box distinctly, some one indifferent and fit person to be appointed and directed by the said managers or a majority of them, shall take out and draw one ticket from the box A, where the said numbered tickets shall have been as aforesaid put, and one other indifferent and fit person to be appointed and directed in like manner, shall at the same time take out one ticket or lot from the box B, where the said two thousand six hundred and sixty-one prize tickets shall have been promiscuously put as aforesaid and immediately the tickets so drawn shall be opened, and the number of the ticket drawn from the box A, and the value of the fortunate ticket or prize drawn out of the box B, shall be called aloud, which numbered ticket with its prize so drawn shall be put on a file and the same entered in books by clerks whom the managers or a majority of them are hereby authorized and empowered to employ and oversee for this purpose, and so the drawing to continue by taking one ticket at a time out of each box, and with the opening, naming aloud, filing the same, and by entering the same in books, as is before mentioned until the whole two thousand six hundred and sixty-one prize tickets shall be completely drawn from the box B;

and all the tickets remaining in the box marked A containing the numbers not drawn, shall be carefully taken out of the said box A; in order to make room for the reception of the numbers of the succeeding class and if the drawing aforesaid cannot be performed in one day, the said managers, with the said justices of the peace, shall cause the said boxes to be sealed up in manner aforesaid, and adjourn till the next day and so from day to day (Sundays excepted) and then open the same and proceed as before till the drawing of the said prize tickets be finished and completed as aforesaid; and the said tickets so drawn shall remain under the custody of the said managers.

[Section XIII.] And to the end that the fortunate may know their success in the said lottery:

[Section IX.] (Section XII, P. L.) Be it further enacted by the authority aforesaid, That as soon as the drawing of any of the classes is over, and the books of the several clerks duly compared and lists made out therefrom, the said managers are hereby enjoined and required, to cause to be printed and published in two of the public newspapers of the city of Philadelphia the numbers of the tickets drawn against each fortunate ticket and the principal sum written on the same; and if any dispute shall arise in adjusting the property of any of the said fortunate tickets in any of the classes, the said managers or a majority of them, shall determine to whom it doth or ought to belong, and shall also make the deductions aforesaid out of each of the said fortunate tickets, for raising the moneys aforesaid.

[Section X.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said managers having drawn the first class, published the fortunate numbers of the same, and sold the tickets of the middle column in the books of the second class, the said managers or a majority of them, with the justices of the peace aforesaid, shall cause the tickets of the third column of the books of the said second class to be carefully rolled up and made fast with thread or silk, as ordered and directed to be done in the first class, and put up in the manner in a box prepared for that purpose

marked A; and shall also prepare, or cause to be prepared, two thousand seven hundred and three prizes for the second class, on which prize tickets, there shall be written or expressed as well in figures as in words at length in manner following: That is to say, upon one of them two thousand five hundred dollars, upon one other of them, one thousand five hundred dollars; upon two other of them severally one thousand dollars; upon four other of them severally five hundred dollars; upon twenty other of them severally one hundred dollars; upon fifty other of them severally fifty dollars; upon one hundred and twenty-five of them severally twenty dollars, and upon two thousand five hundred other of them severally twelve dollars; which principal sums, so to be expressed upon the said tickets will amount in the whole to forty-five thousand dollars, and the said managers or a majority of them, with the justices of the peace aforesaid, shall cause the said prize tickets of the second class written upon as aforesaid to be carefully rolled up, and fastened with silk or thread, and put into the box marked B; prepared for that purpose, and shall proceed to the drawing the same, in the same manner and form and to publish the fortunate numbers thereof as is hereinbefore directed and appointed for the first class.

[Section XI.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said managers having drawn the second class, published the fortunate numbers of the same, and sold the tickets of the middle column of the third class, the said managers or a majority of them with the justices of the peace aforesaid shall cause the tickets of the third column in the books of the said third class to be carefully rolled up and made fast, with thread or silk, as ordered and directed to be done in the first class, and put up in the same manner in the box prepared for that purpose marked A; and shall also prepare or cause to be prepared, two thousand six hundred and twelve prizes for the third class, on which prize tickets, shall be written or expressed as well in figures, as in words at length in manner following: That is to say, upon one of them three thousand five hundred dollars; upon two other of them severally two thousand dollars; upon three other

of them severally one thousand dollars; upon six other of them severally, five hundred dollars, upon thirty other of them severally, one hundred dollars; upon seventy other of them severally fifty dollars; upon two thousand five hundred other of them severally sixteen dollars; which principal sums so to be expressed upon the said tickets, will amount in the whole to sixty thousand dollars; and the said managers or a majority of them, with the justices of the peace aforesaid, shall cause the said prize tickets, of the third class written as aforesaid to be carefully rolled up and fastened with silk or thread and put into the box marked B; prepared for that purpose; and shall proceed to the drawing the same in the same manner and form, and to publish the fortunate numbers thereof as is hereinbefore directed and appointed for the first-class.

[Section XII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the said managers having drawn the third class, published the fortunate numbers of the same, and sold the tickets of the middle column of the fourth class, the said managers or a majority of them with the justices of the peace aforesaid, shall cause the third column in the books of the said fourth class, to be carefully rolled up and made fast with thread or silk as ordered and directed to be done in the first class, and put [up] in the same manner, in the box prepared for that purpose marked A; and shall also prepare, or cause to be prepared, one thousand eight hundred and fifteen prizes, for the fourth class, on which prize tickets there shall be written or expressed as well in figures as in words at length in manner following: That is to say, upon one of them fifteen thousand dollars; upon one other of them ten thousand dollars; upon one other of them eight thousand dollars; upon two other of them severally five thousand dollars; upon four other of them severally three thousand dollars; upon six other of them severally one thousand dollars upon forty other of them severally five hundred dollars; upon one hundred and fifty other of them severally one hundred dollars; upon three hundred and fifty of them severally fifty dollars; upon twelve hundred and sixty other of them severally twenty-five dollars which principal sums so to be expressed upon the said tickets will amount in

the whole to one hundred and fifty-five thousand dollars; and the said managers or a majority of them with the justices of the peace aforesaid shall cause the said prize tickets of the fourth class written upon as aforesaid to be carefully rolled up and fastened with silk or thread, and put into the box marked B; prepared for that purpose, and shall proceed to the drawing the same, in the same manner and form, and to publish the fortunate numbers thereof, as is hereinbefore directed and appointed for the first class.

[Section XIII.] [Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the adventurers in the first class, shall have the particular privilege of renewing their tickets in the second class, provided they apply for that purpose any time within the space of six weeks, from and after the finishing the drawing of the first class, and publication of the same, in the newspapers as aforesaid, after which on their neglect of such renewal, the managers shall have full power and authority and they are hereby enjoined and required to dispose of the same to any other adventurer or adventurers, and so in like manner from the second to the third class, and from the third to the fourth class.

[Section XIV.] [Section XVII, P. L.) And be it further enacted by the authority aforesaid, That if any fortunate adventurers in the said lottery shall neglect to apply to the said managers, for the sum due on his, her or their tickets respectively within the space of nine months after the publication of the prizes in the several newspapers aforesaid; such sum or sums of money so due to him, her or them shall be applied to the uses, intents and purposes, to which the sum hereby directed to be deducted is ordered to be appropriated and applied.

[Section XV.] [Section XVIII, P. L.) Provided always and be it enacted by the authority aforesaid, That before any of the said managers or justices of the peace aforesaid, shall take upon himself the duties and offices hereby enjoined, or any clerk employed by the said managers, shall act in such employment, they and each of them shall respectively before some justice of the peace for the city or county of Philadelphia, take the following oath or affirmation, viz:

I, A. B., do swear or affirm that I will faithfully execute the trust reposed in me, and that I will not use or permit or direct any person to use any indirect acts or means, to obtain a prize, or fortunate ticket, either for myself, or any other person whatsoever; and that I will do my utmost endeavor to prevent any undue or sinister practice to be done by any person whatsoever, and that I will to the best of my judgement, declare to whom any prize, lot or ticket of right does belong, according to the true intent and meaning of the act of assembly, entitled "An act for raising by way of lottery, the sum of forty-two thousand dollars for improving the public roads in this state, and towards improving the navigation of the river Schuylkill."

[Section XVI.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That each of the said managers shall have and receive one half per centum, on the gross amount of the sales of the tickets in the several classes of this lottery; and that each of the said justices of the peace shall have and receive two Spanish milled dollars per diem for each and every day they shall attend the duties and services herein before pointed out by them to be performed and done; which several sums shall be in full satisfaction to the said managers and justices of the peace respectively for their care, attention and trouble in managing, directing and drawing the said lottery, and in lieu of any other gratuity or reward whatsoever.

[Section XVII.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the net proceeds of the lottery hereby established shall be and hereby is appropriated in manner following: That is to say, one moiety or half part of such proceeds, for and towards putting the roads leading from the city of Philadelphia to the western parts of this state in good order and repair to be laid out and expended upon the same by commissioners hereafter to be appointed by act of assembly; and the other moiety or half part thereof shall be and hereby is appropriated for and towards the purpose of improving the navigation of the river Schuylkill agreeable to the laws now existing or laws which may hereafter be enacted for that purpose.

[Section XVIII.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the said managers shall

lay before the comptroller general from time to time, when thereunto required, a true state of the said lottery; and shall also when the drawing of the same is completed and the prizes and incidental charges are paid render their accounts to the committee of accounts of assembly for final settlement.

Provided always, That in case of a vacancy in the management of this lottery as aforesaid by the death or resignation of any of the managers, this or any future assembly may supply such vacancy by their vote or resolution.

Passed March 15, 1784. Recorded L. B. No. 2, p. 252, etc. See the Acts of Assembly passed March 14, 1761, Chapter 465; November 30, 1784, Chapter 1117; February 27, 1786, Chapter 1200; March 3, 1788, Chapter 1334.

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## CHAPTER MLXXVI.

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### AN ACT FOR RAISING A FURTHER IMPOST OR DUTY ON ALL GOODS, WARES OR MERCHANDISE IMPORTED INTO THIS STATE.

(Section I, P. L.) Whereas this commonwealth doth labor under many heavy debts contracted during the late war, and it is necessary that some further funds be provided to discharge the same, and also to defray the other expenses of government in its present exigencies:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act, there shall be raised and collected upon all goods, wares and merchandise imported into this state, a duty or impost of one and one half per centum over and above all duties and imposts now payable by law, and all the powers and authorities; and the penalties, regulations and directions, given and expressed in and by the act, entitled "An act for an impost

on goods, wares and merchandise imported into this state,"<sup>1</sup> passed the twenty-third day of December, one thousand seven hundred and eighty; and by the supplement to the same, entitled "A supplement to an act, entitled 'An act for an impost on goods, wares and merchandise, imported into this state,'"<sup>2</sup> passed the twenty-fifth day of September, one thousand seven hundred and eighty-three shall be, and they are hereby extended to enforce the collecting and paying the said further impost of one and one-half per centum over and above all imposts by the two last recited acts made payable, as fully and amply to all intents and purposes, as if the same were herein specially repeated and expressed, except as is hereinafter excepted.

(Section III, P. L.) And whereas from the extension of the impost or duties on goods, wares and merchandise imported, it is expedient and necessary to appoint an officer of integrity and diligence for the express purpose of collecting the same and the duties payable on goods, wares and merchandise, for the use of the United States, by the act passed for that purpose the twenty-third day of September, one thousand seven hundred and eighty-three.

[Section II.] (Section IV, P. L.) Be it therefore further enacted by the authority aforesaid, That from and after the passing of this act, there shall be a collector of the duties or imposts on goods, wares and merchandise imported, whose powers, authorities and duties, shall be to all intents and purposes the same as are vested in the naval officer by the act aforesaid, passed the twenty-third day of December, one thousand seven hundred and eighty, entitled "An act for an impost on goods, wares and merchandise imported into this state,"<sup>1</sup> and the supplement to the same, passed the twenty-fifth day of September, one thousand seven hundred and eighty-three, as if every clause matter and thing therein contained was specially inserted herein, and the duties of the naval officer as directed in said acts, shall from henceforth cease and determine.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the master of any ship or other

<sup>1</sup> Passed December 23, 1780, Chapter 925.

<sup>2</sup> Passed September 25, 1783, Chapter 1051.

vessel, except ships or vessels of war, privateers and their prizes arriving in any port of this state, shall within forty-eight hours after such arrival, and before he makes entry with the naval officer, repair to the collector's office in the city of Philadelphia, and there exhibit and deliver to the collector a true manifest, signed by the said master of all goods, wares and merchandise laden or imported in such ship or vessel, setting forth the packages, marks and numbers thereof, and the nature and quantity of their contents, in number, weight and measure, as they are commonly counted, estimated and sold, together with his own name and surname, the name of the ship or vessel, and the country, port or place where the cargo was shipped.

[Section IV.] (Section VI, P. L.) And it is hereby further enacted and provided, That the manifest aforesaid shall be expressed in words at full length, and not in figures only; and the said collector being satisfied as to the truth and fairness of the manifest or declaration, shall administer an oath or affirmation to the master or masters of vessels aforesaid, in substance as followeth, to-wit: "That the goods, wares and merchandise are in number, quantity and quality, the same as in his said manifest specified and declared to be, and that no other is laden or imported in his vessel, to the best of his knowledge, and belief;" and the said collector shall make out and deliver to the master aforesaid, a certificate setting forth his complying with the directions of this act, and for which he shall receive from the said master the sum of three shillings and nine pence, and no more; and for every permit, the sum of one shilling and no more:

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if the master of any ship or vessel arriving in any port or place within this state, shall neglect to exhibit and deliver to the collector aforesaid, such manifest as is hereinbefore required, the master so neglecting shall forfeit and pay to the said collector, the sum of one thousand pounds to be recovered as directed in the fifteenth section of the act passed the twenty-third day of December, one thousand seven hundred and eighty aforesaid.

[Section VI.] (Section VIII, P. L.) And be it further enacted

by the authority aforesaid, That Sharp Delaney, esquire, be, and he is hereby appointed collector for the port of Philadelphia, for the time being.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the collector appointed, or to be appointed in consequence of this act, shall, before he enters on the duties of his office, take and subscribe the following oath or affirmation before the president or vice president in council to-wit: "That he will well and truly perform the duties of collector as directed by this act, to the best of his skill and knowledge, and without favor or affection to any person or persons whatever."

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That so much of the third section of the act aforesaid, passed the twenty-third day of September, one thousand seven hundred and eighty-three, and so much of the other acts herein mentioned, as are altered or supplied, be, and the same are hereby declared to be null and void.

Passed March 15, 1784. Recorded L. B. No. 2, p. 263, etc. See the Act of Assembly passed March 16, 1785, Chapter 1127; April 2, 1785, Chapter 1157; April 4, 1785, Chapter 1158.

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## CHAPTER MLXXVII.

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### AN ACT TO DISSOLVE THE MARRIAGE OF JOHN ALEXANDER AND MARGARET, HIS WIFE.

(Section I, P. L.) Whereas John Alexander of the city of Philadelphia, husband of Margaret Alexander of the said city, hath represented to the general assembly of this state, that his wife Margaret Alexander hath separated herself from his bed and his board and since her intermarriage with him hath estranged her affections from him and placed them upon other men, and hath within the period aforesaid frequently committed the heinous sin of adultery, and hath prayed the general assembly to grant him leave to bring in a bill to dissolve him from

his marriage with the said Margaret Alexander; and the said general assembly being willing to ascertain the truth of said facts, that justice may be done in the premises, and being thoroughly convinced of the truth of the said facts, on a proper and legal examination having taken place, in the presence of the said parties, before a committee of the late general assembly, who have reported the testimony before them:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the marriage of the said John Alexander with the said Margaret Alexander be, and the same is hereby declared to be dissolved and annulled to all intents and purposes whatsoever, and the said John Alexander and Margaret Alexander shall be, and they are hereby henceforth respectively declared to be separated, set free and totally discharged from their matrimonial contract, and from all duties and obligations to each other as husband and wife, as fully, effectually and absolutely to all intents and purposes as if they had never been joined in matrimony, or by any other contract whatsoever, any law, usage or custom to the contrary in anywise notwithstanding.

Passed March 15, 1784. Recorded L. B. No. 2, p. 266, etc.

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## CHAPTER MLXXVIII.

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A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR MAKING THE RIVER SCHUYLKILL NAVIGABLE, AND FOR THE PRESERVATION OF THE FISH IN THE SAID RIVER," AND TO TWO SUPPLEMENTS TO THE SAME ACT.

(Section I, P. L.) Whereas the improving the navigation of the river Schuylkill, so as to make it passable at all times, will be very advantageous to the poor, greatly promote the spirit of industry and be beneficial to a considerable part of this state, by enabling the inhabitants to bring their produce to market,

for furnishing the country adjoining the same river, and the city of Philadelphia with coal, masts, spars, boards, scantling and many other necessary and useful articles:

And whereas divers inhabitants of this state have by their petitions prayed that some effectual steps may be taken to make the same river navigable, and the laws heretofore enacted being inadequate for the purpose aforesaid, for want of a proper fund, to be employed by commissioners therein named:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That David Rittenhouse, Lindsey Coats, Anthony Levering, John Jones, of the Gulph Mill, Robert Curry, Isaac Potts, Joseph Paul, David Thomas, of Providence, Matthias Pennebaker, James Hockley, John Brooks, Jacob Light, Abraham Lincoln, Mordecai Miller, John Biship, George Gardiner, John Mears, Charles Shoemaker, George Miller, Henry Haller, Samuel Baird and Frederick Cleckner, shall be and they are hereby constituted and appointed commissioners for clearing the navigation of the said river, and to carry all and singular the powers, rights, authorities and jurisdictions severally given and granted to certain different sets of commissioners by the three several acts of assembly, the titles whereof are herein referred to, the first of them passed the fourteenth day of March, one thousand seven hundred and sixty-one, entitled "An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river,"<sup>1</sup> the second passed the twenty-sixth day of February, one thousand seven hundred and seventy-three, and entitled "A supplement to the act, entitled 'An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river,'"<sup>2</sup> and the third and last law, passed the twenty-fourth day of March, one thousand seven hundred and eighty-one, entitled "A further supplement to the act, entitled 'An act for making the river Schuylkill navigable and for the preservation of the fish in the said river,'"<sup>3</sup> and that the said David Rittenhouse, Lindsey

<sup>1</sup> Passed March 14, 1761, Chapter 465.

<sup>2</sup> Passed February 26, 1783, Chapter 680.

<sup>3</sup> Passed March 24, 1781, Chapter 930.

Coats, Anthony Levering, John Jones, of the Gulph Mill, Robert Curry, Isaac Potts, Joseph Paul, David Thomas, of Providence, Matthias Pennebaker, James Hockley, John Brooks, Jacob Light, Abraham Lincoln, Mordecai Miller, John Bishop, George Gardiner, John Mears, Charles Shoemaker, George Miller, Henry Haller, Samuel Baird and Frederick Cleckner, shall be henceforward taken and considered as the only commissioners for clearing the navigation of the same river, with all the powers, rights, authorities and jurisdictions in the act and supplements aforesaid, and the commissioners in the said supplement passed the twenty-fourth day of March, one thousand seven hundred and eighty-one, except such as are re-appointed by this act, shall cease to exercise any power, right, authority or jurisdiction, under their said appointment in the last supplement aforesaid, and the said commissioners by this act appointed shall ask, demand, sue for, recover and receive all the moneys, goods, securities and effects, which the said commissioners have or are entitled to, in right of their appointment aforesaid, and make use of them for the purpose in this act mentioned.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the penalty of twenty pounds mentioned in the third section of the first act aforesaid, entitled "An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river;" and the fourth section of the act last aforesaid, entitled "A further supplement to the act, entitled "An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river," shall be recovered by warrant, before the chief justice or either of the assistant justices of the supreme court, or before any justice of the courts of common pleas or of the quarter sessions of the peace who shall reside in the county wherein or adjacent to which the offenses described in the third and fourth sections aforesaid, shall be committed, the same penalty, when recovered, shall be for the sole use of the informer.

And that the several commissioners in this act named shall attend to the duties of their appointment under this act, and the act and supplements aforesaid:

[Section III.] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That each commissioner or commissioners in this act named shall take such part of Schuylkill for the purpose of clearing, as is herein specially directed.

From the tide water below the falls, to Spring mill, David Rittenhouse, Lindsey Coats, Anthony Levering and John Jones, of the Gulph mill.

From thence to the mouth of Valley creek, Robert Curry, Isaac Potts and Poseph Paul.

From thence to the mouth of Mingo creek, David Thomas, of Providence, and Matthias Pennebaker.

From thence to Berks county line, James Hockley, John Brooks and Jacob Light.

From thence to Beidler's mill, Abraham Lincoln and Mordecai Miller.

From thence to the mouth of Tulpehocken creek, John Bishop and George Gardiner.

From thence to the mouth of Maiden creek; John Mears.

From thence to the mouth of Tamaqua creek, Charles Shoemaker and George Miller.

From thence to the coal mines on Schuylkill at Basler's saw-mill Henry Haller, Samuel Baird and Frederick Cleckner.

(Section V, P. L.) And should any of the commissioners aforesaid die, or refuse to act before the completing the business aforesaid, the majority of the said commissioners shall appoint other person or persons for executing the powers, rights, authorities and jurisdictions of this act, who when appointed, and after acceptance of their appointment, shall receive the same wages and be under the same regulations with the other commissioners under this act.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the commissioners in this act mentioned are hereby required and enjoined to meet at the inn of Jacob Witz, in Pottstown, Philadelphia county, at ten o'clock in the morning on the first Tuesday in May next, and when a majority of such commissioners shall have assembled, they shall agree on some general plan for executing the powers, rights, authorities and jurisdictions under this act, and the act and two

supplements aforesaid, which said plan as far as situation and circumstances concur, shall be directory to each other, in clearing said river, and shall also meet at the same time of day and place on the first Tuesday in June, July, August, September and October next, and at such meetings shall give a faithful account in writing to each other of the sums of money they have severally expended in the work aforesaid, and of the part of such work which they have completed, and in case any of the commissioners shall neglect or refuse to attend at any of the meetings aforesaid, on the days and times aforesaid, and at the place aforesaid, he shall pay the fine of five pounds, to be recovered by any informer prosecuting for the same, and for the use of such informer, and in the same manner as the twenty pounds aforesaid, in the acts aforesaid, shall be recovered, and the chief justice and the justices aforesaid, before whom the fine shall be recovered, are hereby respectively empowered to judge of the sufficiency or insufficiency of the excuse of such commissioner and proceed accordingly;

And that the navigation of the said river may be obtained at as little expense as possible.

[Section V.] (Section VII, P. L.) Be it further enacted by the authority aforesaid, That Samuel Potts, of Pottstown, is hereby appointed treasurer for the said board of commissioners, who is authorized and empowered to draw out of the bank of North America, all such sums of money as shall be deposited in the same for the purpose of improving the navigation of the said river, by the managers of the public lottery of this state, which same Samuel Potts shall pay the drafts on him made by each of the same commissioners aforesaid, who for such payment shall be allowed ten shillings in the hundred pounds and no more, that the said Samuel Potts, and each of the said commissioners shall be accountable for the sum which he or they severally shall receive, and for which sums so received as aforesaid, together with the goods, securities, moneys and other effects, received from the commissioners under the supplement aforesaid, passed the twenty-fourth day of March, one thousand seven hundred and eighty-one, they shall account for to the comptroller-general of this state in the month of October next,

and that each commissioner shall, whilst on the business aforesaid, receive for his services seven shillings and six pence per diem, and no more, to be paid by the said Samuel Potts.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the treasurer aforesaid, shall, before he enters on the duties of his office, become bound to the president in council, with two sufficient securities in the sum of five thousand pounds, conditioned for the true and faithful performance of his trust.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said recited act and the two supplements aforesaid, and every part and parcel thereof, except such parts as are herein altered or amended, shall be taken to be and remain in full force, virtue and effect, anything herein contained to the contrary thereof in anywise notwithstanding.

Passed March 15, 1784. Recorded L. B. No. 2, p. 267, etc. See the note to the Act of Assembly passed March 14, 1761, Chapter 465.

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## CHAPTER MLXXIX.

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### AN ACT FOR THE ENCOURAGEMENT AND PROMOTION OF LEARNING, BY VESTING A RIGHT TO THE COPIES OF PRINTED BOOKS IN THE AUTHORS OR PURCHASERS OF SUCH COPIES, DURING THE TIME THEREIN MENTIONED.

(Section I, P. L.) Whereas the honorable the Congress of the United States, by their resolution of the second day of May, one thousand seven hundred and eighty-three, have recommended to the several states to secure to the authors or publishers of any new books not hitherto printed, being citizens of the United States, and to their executors, administrators and assigns, the copy right of such books for a certain time:

(Section II, P. L.) And whereas printers, booksellers and other persons have heretofore frequently taken the liberty of printing, reprinting and publishing or causing to be reprinted and

published books and other writings without the consent of the author or proprietors of such books and writings, to their very great detriment, and the damage of their families, for preventing therefore such practices for the future, and for the encouragement of learned men to compose and write useful books, and in order to give all due force to the recommendations of congress.

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act, the author of any book or pamphlet not yet printed, being a citizen of the United States of America, and his heirs and assigns, shall have the exclusive right of printing, publishing and vending the same, within this state, for the term of fourteen years, to commence from the day of its first printing or publication in this state; and if any person or persons within the term of fourteen years as aforesaid, shall presume to print, publish, vend or distribute any such book or pamphlet within this state, or to introduce into this state for sale, any copies of such book or pamphlet printed beyond the limits of this state, without the consent of the author or proprietor thereof first lawfully obtained, every such person or persons, shall forfeit and pay to the author or proprietor of such book or pamphlet double the value of all the copies of such book or pamphlet so printed, published, vended, distributed or introduced for sale, to be recovered by such author or proprietor in any court of this state where the same may be cognizable, or if under the value of five pounds, before any two justices of the county where such offense is committed:

[Section IV, P. L.] Provided nevertheless, That no author, assignee or proprietor of any such book or pamphlet, shall be entitled to the benefit of this act, until he shall duly register his name as author, assignee or proprietor with the title of such book or pamphlet in the prothonotary's office, in the city of Philadelphia, who is hereby required to enter the same on record, for which he shall receive five shillings and no more.

[Section II.] (Section V, P. L.) And be it further enacted by

the authority aforesaid, That at the expiration of the aforesaid term of fourteen years in the cases herein before mentioned, the exclusive right of printing and disposing of any such book or pamphlet in this state shall return to the author thereof, if then living, his heirs and assigns for the term of fourteen years more, and that all and every person or persons who shall reprint, publish, vend, distribute or import within this state any copies thereof, without the consent of such author or proprietor obtained as aforesaid, during said second term of fourteen years shall be liable to the same penalties to be recovered in the same manner as is herein before directed:

(Section VI, P. L.) And [be] it provided also that no author or proprietor of any book or pamphlet shall be entitled to the benefit of this act unless he shall insert on the back of the title page, a copy of the certificate of entry obtained of the prothonotary aforesaid, which the said prothonotary is hereby required to grant without any further reward.

[Section III.] (Section VII, P. L.) Provided nevertheless, That this act shall not take place until such time as all and every of the states in the union shall have passed laws, similar to the same, in conformity to the recommendation of congress aforesaid.

Passed March 15, 1784. Recorded L. B. No. 2, p. 272, etc.

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## CHAPTER MLXXX.

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### A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR ERECTING PART OF THE COUNTY OF BEDFORD INTO A SEPARATE COUNTY."<sup>1</sup>

(Section I, P. L.) Whereas by the act the title whereof is above recited the trustees therein named, viz: Robert Hanna, George Wilson, Samuel Sloan, Joseph Irwin and John Cavet or any three of them were empowered by the said act to purchase

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<sup>1</sup> Passed February 26, 1773, Chapter 678.

and take assurance to them and their heirs of a piece of land situated in some convenient place in the said county, to be approved of by the governor in trust and for the use of the inhabitants of the said county and thereupon to erect and build a court house and prison sufficient to accommodate the public service of the said county:

(Section II, P. L.) And whereas by an act of the general assembly of this commonwealth to revive and put in force such and so much of the laws of the late province of Pennsylvania as is judged necessary and by the fifth section of said law it is enacted that all officers of the late government are declared to be removed except the trustees of the loan office:

(Section III, P. L.) And whereas the trustees mentioned in the act for erecting the said county of Westmoreland did not comply with the powers therein given them:

[Section I.] (Section IV, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That John Irwin, Benjamin Davis, Charles Campbell, James Pollock and James Wilkins be, and they are hereby appointed trustees for the said county of Westmoreland.

[Section II.] (Section V, P. L.) And [be] it further enacted by the authority aforesaid, That the said John Irwin, Benjamin Davis, Charles Campbell, James Pollock and James Wilkins are hereby empowered and required to perform all and every of the duties of trustees for the said county of Westmoreland as fully and amply as the former trustees for the said county, could or might have done, anything in the before recited act to the contrary in anywise notwithstanding:

(Section VI, P. L.) And whereas the counties of Westmoreland and Fayette had not due notice that the latter county was erected until after the courts had been holden for the said county of Westmoreland in October last, by reason whereof no court could be holden in the said county of Fayette until December last nor were any officers elected in the said county of Fayette at the last general election, but some writs were issued against persons residing in the said county of Fayette from the

county court of common pleas of Westmoreland county tested in October term last, and returnable in the said court of common pleas of the said county of Westmoreland in January last and also several indictments were found in the general quarter sessions of the peace, at the said October term in the said county of Westmoreland against persons residing in the said county of Fayette:

(Section VII, P. L.) And whereas the justices of the said county of Fayette met on a day before the said term of December last in the said county and ordered writs to be issued returnable to the said December term:

(Section VIII, P. L.) And whereas doubts have arisen and may arise as to the regularity of the said proceedings and how far the said courts had and have authority to proceed to judgment and execution on the said writs and indictments and also how far the sheriff of Westmoreland county and the other officers usually elected at the general election, in Westmoreland county had and have authority to execute their respective offices within the said county of Fayette until the next general election:

To remove which doubts:

[Section III.] (Section IX, P. L.) It is hereby declared and enacted by the authority aforesaid, That all and every writ and writs, issued by the county court of Westmoreland county tested in October term last and returnable to the said court in January term last against any person or persons then an inhabitant or inhabitants within the county of Fayette and that all and singular the indictments found as aforesaid, are hereby declared to be good [and] valid in law to all intents and purposes as if the said county of Fayette had not been erected until the said courts were held in the said county of Westmoreland in January term last.

[Section IV.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That [all and] every writ and writs returnable to the county court of common pleas held in and for the said county of Fayette in December term last are hereby declared to be good and valid in law to all intents and purposes as if the court of common pleas for the said county of Fayette

had been held and the said writs had been duly tested in September term last in the said county.

[Section V.] (Section XI, P. L.) And it is hereby declared and enacted by the authority aforesaid, That the sheriff of Westmoreland county and all other officers within the said county who are usually chosen at the general election have and are hereby declared to have the same authority, to execute their respective offices within the said county of Fayette until the next general election as if the said county of Fayette had not been erected.

Passed March 22, 1784. Recorded L. B. No. 2, p. 274, etc. Repealed by the Act of Assembly passed September 13, 1785, Chapter 1176.

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## CHAPTER MLXXXI.

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A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO ENABLE WILLIAM CLINGAN, THOMAS BULL, JOHN KINKEAD, ROGER KIRK, JOHN SELLERS, JOHN WILSON AND JOSEPH DAVIS TO BUILD A NEW COURT HOUSE AND PRISON IN THE COUNTY OF CHESTER, AND SELL THE OLD COURT HOUSE AND PRISON, IN THE BOROUGH OF CHESTER."<sup>1</sup>

(Section I, P. L.) Whereas the act, entitled "An act to enable William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson and Joseph Davis, to build a new court house and prison in the county of Chester, and sell the old court house and prison in the borough of Chester,"<sup>1</sup> passed the twentieth day of March in the year of our Lord one thousand seven hundred and eighty, hath not been carried into execution by the commissioners therein named:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That John Hannum, esquire, John Taylor, esquire, and John Jacobs, be, and they hereby are

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<sup>1</sup> Passed March 20, 1780, Chapter 901.

constituted and appointed commissioners for the purpose mentioned and expressed in the act, entitled "An act to enable William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson and Joseph Davis, to build a new court house and prison in the county of Chester, and sell the old court house and prison in the borough of Chester,"<sup>1</sup> and that they or any two of them, shall be and they hereby are empowered and authorized to carry the said act and every part thereof into execution, as fully and amply as by the before mentioned act the said William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson and Joseph Davis, or any four of them might or could have done.

[Section II.] (Section III, P. L.) Provided always and be it further enacted by the authority aforesaid, That the said John Hannum, esquire, Isaac Taylor, esquire, and John Jacobs shall not have any power to build or contract with any person to build or erect the buildings mentioned in said act, at a greater distance than one mile and a half from the Turk's Head tavern in the township of Goshen in said county and to the west or southwest of said Turk's Head tavern, and on or near the straight line from the ferry called the corporation ferry on Schuylkill to the village of Strasburg, anything in this act or the act to which this is a supplement to the contrary notwithstanding.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said John Hannum, esquire, Isaac Taylor, esquire and John Jacobs, or any two of them, shall have no power to give possession of the gaol and court house in the borough of Chester, to any person or persons purchasing the same until a new court house and gaol is [sic] [are] erected as aforesaid.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson and Joseph Davis or any of them shall not have any power to carry the act to which this is a supplement into execution, and that so much thereof as is repugnant to this act,

and no more, shall be, and the same is hereby repealed and made void.

Passed March 22, 1784. Recorded L. B. No. 2, p. 276, etc. See the Acts of Assembly passed March 30, 1785, Chapter 1152; March 18, 1786, Chapter 1215.

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## CHAPTER MLXXXII.

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### AN ACT TO DISSOLVE THE MARRIAGE OF ALEXANDER KIDD AND EDITH KIDD, HIS WIFE.

(Section I, P. L.) Whereas Edith Kidd, late of the city of Philadelphia, wife of Alexander Kidd, late of the said city, merchant, hath represented to the general assembly of this state, that her husband Alexander Kidd, hath separated himself from her bed and her board, and hath since his intermarriage with her, frequently beat her in a most cruel and inhuman manner, and hath estranged his affections from her, and placed them upon other women, and hath within the period aforesaid, frequently committed the heinous sin of adultery, and hath prayed the general assembly aforesaid to grant her leave to bring in a bill to dissolve her from her said marriage with the said Alexander Kidd. And the said general assembly being willing that justice may be done in the premises, and being thoroughly convinced of the truth of the said facts, on a proper and legal examination having taken place, before a committee of this general assembly; who have reported the testimony before them:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the marriage of the same Edith Kidd with the said Alexander Kidd, be, and the same is hereby declared to be dissolved and annulled to all intents and purposes whatsoever; and the said Edith Kidd and

Alexander Kidd shall be and they are hereby henceforth respectively declared to be separated, set free and totally discharged from their matrimonial contract, and from all duties and obligations to each other as wife and husband, as fully, effectually and absolutely to all intents and purposes, as if they had never been joined in matrimony, or by any other contract whatsoever, any law, usage or custom to the contrary notwithstanding.

Passed March 22, 1784. Recorded L. B. No. 2, p. 278, etc.

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### CHAPTER MLXXXIII.

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#### AN ACT TO DISSOLVE THE MARRIAGE OF LEONARD ECKSTINE, OF THE COUNTY OF WESTMORELAND, AND MARY, HIS WIFE.

(Section I, P. L.) Whereas Leonard Eckstine of the county of Westmoreland, farmer, hath presented a petition to this house setting forth that Mary his wife, late Mary Shipler, had been unfaithful to his bed, and had committed adultery with divers persons; and praying for leave to bring in a bill for the dissolution of his marriage with her:

And whereas it appears to this house, by the report of their committee appointed to inquire into the truth of the charges alleged in the petition of the said Leonard Eckstine, that the said Mary hath not only been guilty of repeated acts of adultery, but hath eloped from the bed and board of the said Leonard Eckstine and lived in open and avowed prostitution for several years.

And whereas this house did on the twenty-ninth day of November last give leave to the said Leonard Eckstine to bring in a bill agreeable to the prayer of his petition he giving notice thereof at least six weeks in one or more of the newspapers printed in this city and it hath been proved to this house that notice hath been given accordingly;

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the marriage of the said Leonard Eckstine with the said Mary be, and the same is hereby declared to be dissolved and annulled to all intents, constructions and purposes whatsoever; and the said Leonard Eckstine and the said Mary shall be and they are hereby declared respectively to be separated, set free and totally discharged from their matrimonial contract, and from all duties and obligations to each other as husband and wife, as fully, effectually and absolutely to all intents and purposes, as if they never had been joined in matrimony, or by any other contract whatever, any law, usage or custom to the contrary thereof in anywise notwithstanding.

Passed March 22, 1784. Recorded L. B. No. 2, p. 279, etc.

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## CHAPTER MLXXXIV.

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### AN ACT TO DISSOLVE THE MARRIAGE OF ROBERT STEWARD, OF THE CITY OF PHILADELPHIA, MARINER, AND CATHARINE, HIS WIFE.

(Section I, P. L.) Whereas Robert Steward, of the city of Philadelphia, mariner, hath presented a petition to the general assembly of this state, setting forth that Catharine his wife, late Catharine Kinchley had been unfaithful to his bed, and had committed adultery with divers persons, praying leave to bring in a bill for dissolving his marriage with her the said Catharine:

And whereas it appears to this house by the affidavits laid before the committee appointed to hear the parties, which affidavits accompany the report of the said committee to this house, that the facts alleged in the said petition are true, and

that the said Catharine hath acknowledged that she could make no defense against the prayer thereof:

And whereas this house did on the third day of March, in the year of our Lord, one thousand seven hundred and eighty-four give leave to the said Robert Steward to bring in a bill agreeable to his said prayer:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the marriage of the said Robert Steward with the said Catharine be and the same is hereby declared to be dissolved, annulled and made void to all intents and purposes whatever, and the said Robert Steward and the said Catharine his wife, shall be and they are hereby respectively declared to be separated, set free and totally discharged from their matrimonial contract and from all duties and obligations to each other as husband and wife, as fully, effectually and absolutely to all intents and purposes as if they had never been joined in matrimony, or in any contract of matrimony, any law, usage or custom to the contrary thereof in any wise notwithstanding.

Passed March 22, 1784. Recorded L. B. No. 2, p. 281, etc.

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## CHAPTER MLXXXV.

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AN ACT TO EMPOWER THE OWNERS OF GREENWICH ISLAND, WICCACOA AND MOYAMENSING MEADOWS TO MAKE A DAM ACROSS THE MOUTH OF HAY CREEK, AND ANOTHER DAM ACROSS HOLLANDER'S CREEK, AT THE STONE BRIDGE.

(Section I, P. L.) Whereas in the year one thousand seven hundred and fifty-nine, a law was obtained by the owners of Greenwich Island for embanking and draining the same; in the year one thousand seven hundred and sixty-one, another law was obtained by the owners of the Wiccacoa Meadows for the embanking and draining them; and in the year one thousand

seven hundred and sixty-seven, another law was obtained by the owners of the Moyamensing Meadows for the embanking and draining theirs: The three tracks are bounded and divided in part by Hay and Hollander's creeks: As the improvements which were made and maintained on both sides of said creeks under those laws are now greatly fallen into decay, the owners for their greater benefit do propose to make a dam across the said Hay creek at its mouth near the river Delaware, joining it to the old banks on both sides; also another dam across Hollander's creek at the stone bridge joining it to the old bank there, and to make sufficient gates or trunks therein for evacuating and taking in the water as the improvements may require and to repair and amend the same forever:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the managers elected, and to be elected for Greenwich Island banks, and the managers elected and to be elected for the Wiccacoa Meadow banks, and the managers elected and to be elected for the Moyamensing Meadow banks, or a majority of each joined together, are hereby appointed, authorized and empowered within two months after the publication of this act, to view the premises, and erect or cause to be erected the said two dams at the places before mentioned and appointed by this act, to choose and fix upon the most convenient and proper places where the mud shall be dug for making the said two dams.

(Section III, P. L.) And whereas the well draining of the meadows aforesaid is of great importance to the owners of meadows, and as Hay and Hollander's creeks now form the division lines between the three companies of Greenwich, Wiccacoa and Moyamensing, and the necessity of establishing a large and sufficient drain in the said creeks by way of boundary line will be found of great utility to the well draining the whole:

[Section II.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That the managers of Greenwich Island banks with the managers of Wiccaco and Moyamensing banks or a majority of them as aforesaid, as soon as the damming and draining of

the water will permit, shall employ a surveyor and proceed and run the division line in the said Hay and Hollander's creeks, between the owners holding land thereon, and place and establish marks for fully settling the same; and that the said managers shall judge, determine and direct the breadth and depth of the drain to be made therein, and shall hire men and get such drain completed with all convenient speed, which power shall be extended to the managers for the time being for cleaning and keeping the said drain in good order forever.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the managers aforesaid shall choose three men disinterested in the premises who shall view the lands on both sides of Hay and Hollander's creeks which lie outside of the meadow banks, and may be drained by virtue of this act; they shall consider and judge the extraordinary advantages gained by draining of the lands which before lay useless for want thereof, they shall tax and assess such lands, and the owners thereof in a moderate and reasonable sum of money, to be paid moreover and besides the tax which may be laid on and paid for the already improved meadows, in general likewise to consider the damages that shall be done to the owners of land from whence the mud shall be taken to make the two dams, and order reasonable retaliation to be made out of the same stock, and in the same manner as the expenses of the said two dams are paid.

(Section VI, P. L.) And whereas a number of the owners of land on Greenwich Island in the year one thousand seven hundred and sixty-seven, obtained a law for making a road and bridge over Hollander's creek aforesaid, and for keeping the same in repair forever, with a power of levying a tax and raising a fund for the payment of the expenses thereof. And as the bridge will be considerably amended by the work in completing the above said dam, therefore it shall be lawful for the three disinterested persons, who shall be chosen and appointed by the said managers, to view the work when done to the amendment of the said bridge, and tax and assess the bridge and road company in a moderate and reasonable sum of money to be paid to the managers appointed to erect or make the said dam

out of their fund raised by virtue of the law aforesaid; And if the said bridge and road company shall refuse or neglect to pay or reimburse the managers appointed to make the said dam as aforesaid:

[Section IV.] (Section VII, P. L.) Be it enacted by the authority aforesaid. That then and thereafter it shall and may be lawful to and for the said manager or managers so demanding in his or their own names, to sue for the respective sum or sums assessed, as by this act directed, by action of debt of five pounds or under, before any one justice of the peace of the county of Philadelphia and if above five pounds in any of the courts of common pleas of this state, and give this act and the said assessment or the said account, as the case may require, in evidence; And the said justice of the peace and the said court are hereby empowered and directed to give judgment and execution for the same, with costs of suit accordingly.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the costs and charges concerning the dams, sluices and line drain arising on the Greenwich Island side of said creeks, shall be settled and payment directed by the managers of the said island, or a majority of them and shall be recovered of the owner or owners neglecting or refusing to pay in such lawful manner as is set forth in their law before mentioned; and that the costs and charges concerning the dams, sluices and line drain arising on the Wiccacoa and Moyamensing side of said creeks shall be settled and payment directed for the Wiccacoa part by the managers of the Wiccacoa banks, or a majority of them, and for the Moyamensing part thereof by the managers of the Moyamensing banks, or a majority of them, and shall be recovered of the owner or owners neglecting or refusing to pay as the managers directed in such lawful manner as is set forth in their respective laws before mentioned.

(Section IX, P. L.) And whereas doubts have arisen whether the expense of cutting, digging, throwing out and maintaining the said line drain ought to be a joint expense to whole of the said districts of Greenwich, Wiccacoa and Moyamensing or a partial expense to the owners within the same:

[Section VI.] (Section X, P. L.) Be it enacted by the authority aforesaid, That the three persons as aforesaid to be appointed by the said managers shall have full power and authority after the said line drain is completed, to view the same and the lands aforesaid, and after such viewing, shall severally make oath or affirmation before one of the justices of the courts of common pleas of the city and county of Philadelphia, who is hereby authorized and required to administer the same, what lands they are of opinion will receive benefit from the said line drain, which same justice shall return a certificate in writing of the said oath or affirmation within three days after taking the same (for which and for his other service aforesaid he shall receive the usual fees of office) to the managers aforesaid, who shall then assess, levy and raise the tax aforesaid, on the [estate or] estates of such owner or owners of the said lands as shall be in the opinion of the three persons aforesaid benefited by the said line drain.

Passed March 22, 1784. Recorded L. B. No. 2, p. 282, etc.

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## CHAPTER MLXXXVI.

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AN ACT TO REMEDY THE INCONVENIENCES OF HOLDING THE ANNUAL ELECTIONS IN THE SECOND DISTRICT OF BEDFORD COUNTY, AND THE THIRD AND FOURTH DISTRICTS IN THE COUNTY OF WESTMORELAND, AT THE PLACES HERETOFORE APPOINTED BY THE LAWS OF THIS COMMONWEALTH.

(Section I, P. L.) Whereas it has been found very inconvenient for the freemen of the second district of Bedford county to attend the annual election at the house of John Burd, in Dublin township, as by an act, entitled "A supplement to an act, entitled 'An act for amending the several acts for electing members of assembly,'"<sup>1</sup> passed the fourteenth day of June, one thousand seven hundred and seventy-seven, is directed:

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<sup>1</sup> Passed June 14, 1777, Chapter 757.

For remedy whereof:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act, the freemen of the second district of the said county shall meet on the day by the constitution of this commonwealth appointed for such election at the house of George Cluggage in the township of Shirley, and then and there elect members of general assembly, and other elective officers for said county, and make return thereof according to the laws heretofore made and provided.

(Section III, P. L.) And whereas it is represented that the place appointed by law for holding the annual election in the third district of Westmoreland county is now fallen within the county of Fayette:

[Section II.] Be it enacted by the authority aforesaid, That henceforth the freemen of the said third district which now remains in the county of Westmoreland, shall meet on the day by the constitution of this commonwealth appointed for such election, at the house of William Moore, in the township of Rostraver, and then and there elect members of general assembly and all other elective officers for said county, and make return thereof according to the laws heretofore made and provided.

(Section IV, P. L.) And whereas it is very inconvenient for the freemen of the township of Pitt in the county aforesaid to attend the annual election at the house of Robert Hanna, in the fourth district of said county, as by the before recited act is directed:

[Section III.] Be it enacted by the authority aforesaid, That henceforth from the mouth of Turtle creek, a straight line to the mouth of Pockethey's creek, on the Allegheny, thence down the river to Fort Pitt, and thence up the Monongahela to the mouth of Turtle creek as aforesaid, shall be the fifth district of the county of Westmoreland, for the purpose of such annual election; and that the freemen of the said district shall from and after the passing of this act, meet on the day appointed by the constitution of this commonwealth for such election, at the house

of Devereux Smith, esquire, at Fort Pitt, and then and there elect members of the general assembly, and other elective officers for said county, according to the said constitution, and the laws in such case made and provided; and a return of such elections shall be made in the same manner as the laws of this commonwealth direct for other districts; anything in the above recited act to the contrary in anywise notwithstanding.

Passed March 27, 1784. Recorded L. B. No. 2, p. 286, etc.

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## CHAPTER MLXXXVII.

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### AN ACT FOR DESTROYING SQUIRRELS IN THE COUNTIES OF WESTMORELAND, WASHINGTON AND FAYETTE.

(Section I, P. L.) Whereas it appears to this house by sundry petitions from the counties of Westmoreland, Washington and Fayette that great damage is done to the grain in those counties by squirrels:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act, the different county commissioners in the counties aforesaid, shall, and they are hereby empowered and authorized to levy upon the taxable inhabitants in the counties aforesaid, any sum of money not exceeding three hundred pounds in one year in any of the counties aforesaid when the number of squirrels may make it necessary to levy the same, which sum shall be laid, collected and paid unto the different county treasurers in the counties aforesaid, and by them to be paid in the manner hereafter directed, and the accounts settled in the same way and manner as other county levies are.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That any person or persons, that shall kill any squirrels from and after the passing of this act

and shall make oath or affirmation before any justice of his or their proper county, upon delivering the scalps of the same, that the scalps then produced were taken from the heads of squirrels killed in his or their own proper county, and in the county in which they are then produced which proofs being made, the justice is hereby empowered to receive the scalps then produced, and in the presence of the deliverer burn or otherwise destroy the same, and grant him or them a receipt for the number of squirrel scalps by him so received, which oath and receipt the said justice or justices are hereby required to administer and grant without fee or reward, which receipt shall be receivable in whole or in part for his or their county tax laid for destroying squirrels, at the rate of two pence for each scalp, provided the same are delivered before the first day of November, yearly, when the courts of quarter sessions in the different counties aforesaid may deem it necessary to levy the said tax in the counties aforesaid.

[Section III.] And be it further enacted by the authority aforesaid, That any person or persons producing such certificate or certificates as aforesaid, to the treasurer of his or their county or counties, the said treasurer or treasurers shall pay the said person or persons the sum of two pence for each scalp so certified, out of the money in his hands for that purpose, and take a receipt on the back of such certificate for all sums by him so paid or received from any collector.

[Section IV.] (Section IV, P. L.) Provided always, That nothing in this act contained shall extend to any other counties than the counties of Westmoreland, Washington and Fayette.

Passed March 27, 1784. Recorded L. B. No. 2, p. 288, etc.

CHAPTER MLXXXVIII.

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AN ACT TO SECURE THE PERSONS EMPLOYED IN THE BUILDING AND FITTING SHIPS AND VESSELS FOR SEA BY MAKING THE BODY, TACKLE, APPAREL AND FURNITURE OF SUCH SHIPS AND VESSELS LIABLE TO PAY THE SEVERAL TRADESMEN EMPLOYED IN BUILDING AND FITTING THEM FOR THEIR WORK AND MATERIALS.

(Section I, P. L.) Whereas the business of ship building is a very important branch of the commerce of this state, and ought to receive all proper encouragement:

And whereas several tradesmen employed in this business are liable to losses by reason that the persons employing them are frequently masters of ships, strangers and persons having no fixed property in the country, and the ships and vessels by them built, repaired and fitted, are not liable to pay the amount of their bills, whereby their labor and materials have been taken to satisfy other debts to their discouragement in carrying on so useful a mode of increasing the wealth of the state:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That ships and vessels of all kinds built, repaired and fitted within this state be and they are hereby declared to be liable and chargeable for all debts contracted by the masters or owners thereof for or by reason of any work done, or materials found or provided by any carpenter, blacksmith, mastmaker, boatbuilder, blockmaker, ropemaker, sailmaker, rigger, joiner, carver, plumber, painter or shipchandler, for upon and concerning the building, repairing, fitting, furnishing and equipping such ship or vessel in preference to any, and before any other debts due and owing from the owners thereof.

And in order to provide a speedy and adequate remedy for

such tradesmen, as aforesaid, to recover debts contracted by any person or persons for the use of such ship or vessel:

[Section II.] (Section III, P. L.) Be it enacted by the authority aforesaid, That it shall and may be lawful for all and every of the said tradesmen to file a libel in the court of admiralty of this state, against such ship or vessel, her tackle, furniture and apparel, whereupon process shall issue and such proceeding shall be had towards the recovery of such debts as are usually had in the courts of admiralty for the recovery of mariners' wages, and other debts actually contracted upon the high seas, and within the jurisdiction of the court of admiralty, notwithstanding such work was done, and such materials and articles were found and provided at land without the jurisdiction of the admiralty.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all or any of the said tradesmen, to whom any ship or vessel, is or shall be indebted for work done, or materials or other articles furnished and provided, to join in one libel for the recovery of all their debts in the same manner that mariners are permitted by the usage of the admiralty, to join together in one suit and if more than one suit shall be brought against any ship or vessel by more than one such tradesman as aforesaid, the judge of the admiralty shall cause such actions to be consolidated into one, and give one definitive sentence or decree comprehending all such debts, as shall be demanded by all or any of the tradesmen aforesaid, and duly supported either by libel as aforesaid or by petition to the court while one or more of such libels shall be depending.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if upon any such libel or petition as aforesaid, the master or owner of such ship or vessel or his or their agents shall appear in the said court and enter into stipulation with sufficient sureties to answer all the demands aforesaid, which shall be then filed against such ship or vessel, the said ship or vessel shall be discharged from the arrest and shall be permitted to proceed on her voyage.

[Section V.] (Section VI, P. L.) Provided always nevertheless, That no ship or vessel shall continue to be liable and chargeable

for such debts to the tradesmen aforesaid longer than the time which shall intervene between the contracting of such debts, and the time of her proceeding to sea next after the work shall be done or the materials and articles furnished and provided.

Passed March 27, 1784. Recorded L. B. No. 2, p. 289, etc. See the Act of Assembly passed February 9, 1793, Chapter 1652.

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## CHAPTER MLXXXIX.

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AN ACT TO REGULATE FENCES AND TO APPOINT APPRAISERS IN EACH TOWNSHIP IN THE COUNTIES OF BEDFORD, NORTHUMBERLAND, WESTMORELAND, WASHINGTON AND FAYETTE, AND TO ENCOURAGE THE RAISING OF SWINE.

(Section I, P. L.) Whereas by an act of general assembly of the late province of Pennsylvania, entitled "An act for erecting pounds in each township,"<sup>1</sup> passed the tenth day of May, one thousand seven hundred and twenty-nine, and an act, entitled "An act concerning cattle, horses and sheep,"<sup>2</sup> passed the fourth day of March, one thousand seven hundred and sixty-three, the heights of a lawful fence therein mentioned are found to be insufficient; and whereas a supplement to an act, entitled "An act to prevent swine running at large,"<sup>3</sup> passed the tenth day of May, one thousand seven hundred and twenty-nine is found to be injurious to great part of the frontier counties of this state:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all fences erected in this state within the limits hereinafter mentioned shall be made and erected in the following manner: That is to say, all worm fences

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<sup>1</sup> Passed May 10, 1729, Chapter 301.

<sup>2</sup> Passed March 4, 1763, Chapter 490.

<sup>3</sup> Passed May 10, 1729, Chapter 303.

shall be four feet and an half high with sufficient stakes and riders added thereon, and that the under rail in each panel shall not exceed five inches from the surface of the ground, and the first four rails in each panel shall not exceed five inches wide between the rails, and that the said fences shall have at least four feet worm and that all post and rail fences shall be four feet and a half high, and the distance between the rails as aforesaid.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act it shall not be lawful for any person or persons to kill, take or carry away any swine, shoat or pig; but in case of trespassing through or over any lawful fences as aforesaid to take and impound the same, and to obtain and recover such damages, and in the same way and manner, as is hereinafter directed.

And to the end that impartial justice may be speedily done and obtained by any person or persons, who may think him, her or themselves aggrieved by the trespassing of swine or any other creature or creatures:

[Section III.] (Section IV, P. L.) Be it enacted, and it is hereby enacted by the authority aforesaid, That the inhabitants of each township within the counties hereinafter mentioned, are hereby empowered and required to meet on the third Saturday of the month of March yearly, being the day appointed by law for choosing supervisors of the highways, and then and there to elect by ballot two substantial freeholders to be appraisers in their respective townships for the ensuing year, whose duty shall be upon the demand of any inhabitant within their respective townships to go and view the fences where any damages are supposed to be done, and if they find, upon view of the same, the fences to be sufficient agreeable to the dimensions aforesaid, then and in such case, they are to appraise and ascertain the damages done, and make return of the same to the next justice of the peace who is hereby empowered to award judgment and execution as the case may require and in case upon the said view as aforesaid, the fences shall be found insufficient the said appraisers in like manner shall make report to the next

justice as aforesaid who shall give judgment against the plaintiff for the costs of such view, and upon refusal of payment to award execution for the same as in other cases.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the constable or constables shall attend and open said election and shall call to [his or] their assistance at the opening the election as aforesaid two reputable freeholders, who shall be judges of said election and whose duty shall be to receive the tickets of such election; and when the election is closed, to sum up the same and give a certificate of the names of the two freeholders highest in votes to be appraisers for the ensuing year. And the said constable is hereby required to return the same at the next court of quarter sessions to be held for the county wherein such election is held, to the clerk of the sessions, who is hereby empowered to send notice to such freeholders so elected to repair to the next justice of the peace, and there take the following oath or affirmation, which justice is hereby empowered to administer the same, viz:

I, A. B., do swear (or affirm) that I will truly and faithfully appraise all damages done by trespassing creatures within my township; that may be done by creatures breaking over, or through any lawful fences as aforesaid agreeable to this act, when thereunto required."

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That each appraiser shall be entitled to three shillings per day for their trouble, to be recovered before the justice as aforesaid; and the clerk of the sessions, for the notice, writing, sealing and delivering shall be entitled to three shillings to be paid out of the county treasury, by an order from the commissioners; and the clerk shall enter the names of the appraisers so appointed on the sessions docket.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in case any of the appraisers so elected as aforesaid should neglect or refuse to appear, he or they being duly notified thereof by the clerk as aforesaid, and take the duty of their office, required by this law, upon them, then and in such case, the said person or persons so refusing or neglecting as aforesaid, shall forfeit and pay the sum

of twenty shillings, unto the overseers of the poor of such township, to be recovered by the said overseers in a summary way as debts are under forty shillings; and to be appropriated for the use of the poor of said township and upon any such refusal as aforesaid any two justices of the peace in said county are hereby empowered to appoint others in their place to serve until the ensuing election; and the said appraisers so appointed shall have all powers, and be under all such forfeitures and penalties, as if they had been duly elected according to this act.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said appraisers shall have full power to act and view all partition fence or fences where any difference may happen or arise within their respective districts, and the aforesaid appraisers in each township, respectively, shall be the sole judges of the charges, to be borne by the delinquent, or by both or either party, and of the sufficiency of all fences, whether partition fences or others, and all damages awarded to be recovered in the same way and manner, as is before directed in other cases.

(Section IX, P. L.) Provided always, That nothing in this act shall be taken or deemed to extend to or take effect in any other county of this state, than the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, anything in the before recited act to the contrary in anywise notwithstanding.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That so much of the supplement to the act, entitled "An act to prevent swine running at large," passed the tenth day of May, one thousand seven hundred and twenty-nine; and so much of an act for erecting pounds, passed the tenth day of May, one thousand seven hundred and twenty-nine, and so much of the act, entitled "An act concerning cattle, horses and sheep," passed the fourth day of March, one thousand seven hundred and sixty-three, as is by this act altered or supplied, is hereby made null and void, anything in the before recited acts or supplement to the contrary in anywise notwithstanding, so far only as the same respects the counties before mentioned.

Passed March 27, 1784. Recorded L. B. No. 2, p. 291, etc. See the Acts of Assembly passed March 7, 1800, Chapter 2120; March 28, 1808, P. L. 163; May 31, 1893, P. L. 185.

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## CHAPTER MXC.

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### AN ACT FOR REGULATING OF HAWKERS AND PEDDLERS.

(Section I, P. L.) Whereas many idle and vagrant persons may come into this state, and under pretence of being hawkers or peddlers may greatly impose upon many persons in the quality and price of goods, and also may commit felonies and other misdemeanors.

For preventing such inconveniences and evil practices, and to the intent that no persons may be admitted to follow the business of hawkers or peddlers within this state, but those who are of known honesty and civil behavior:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act no person whatever shall follow or employ him, her or themselves in the business or employment of a hawker, peddler or petty chapman within this state, until such persons shall have obtained a recommendation from the justices of the county court where he or she dwells, certifying their opinion of the honesty of the person recommended, and that he or she intends to travel with one or more horse or horses, or other beasts of burden, or on foot, and thereupon shall have obtained a license from the president or vice-president of the supreme executive council of this state, and shall have given bond in the prothonotary's office of the said county court, to the said president or vice-president, him or herself in the sum of one hundred pounds, and two freeholders sureties in the sum of fifty pounds each, conditioned that such person shall be of good behavior

during the continuance of said license, which license shall continue for one whole year, and for which license there shall be paid for the support of government, the sum of five pounds by every person obtaining a license to travel with a horse or other beast of burden, and the sum of forty-five shillings for every person licensed to travel on foot.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That if any person, not being qualified as aforesaid shall be found hawking, peddling or travelling from place to place, through any part of this state to sell goods, or who shall expose to sale any foreign goods, wares or merchandise in any of the open streets of the city and suburbs of Philadelphia, or in any of the open streets in any of the county towns within this state; he or she so offending shall forfeit the sum of ten pounds, one moiety whereof to this state, for the support of government; and the other moiety to the person who sues for the same; to be recovered by action of debt, bill, plaint or information, in any court of record within this state.

[Section III.] (Section IV, P. L.) Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend, to hindre any person or persons from selling or exposing to sale, any sort of goods, wares or merchandise, in any public market or fair within this state, at any other time or times than is or are appointed by law for holding the same; or to hinder any person or persons from carrying about from town to town and from house to house, any goods, wares or merchandise, being of the growth, product or manufacture of this state; but that such person or persons may do therein as they lawfully might have done, before the making of this act; anything herein contained to the contrary notwithstanding. And if any person hawking, peddling or traveling as aforesaid, except as before is excepted, shall refuse to produce and show his or her license to any civil officer upon demand, such person shall forfeit and pay the sum of twenty shillings for the uses aforesaid to be recovered before any justice of the peace, as debts under forty shillings are now recoverable.

[Section IV.] (Section V, P. L.) And be it further enacted

by the authority aforesaid, That the true intent and meaning of the proviso in this act contained is and the same shall be so taken and construed, that no person whatever, whether he or she be qualified according to this act or not, shall expose to sale in any of the public market places within the city of Philadelphia, the district of Southwark or the township of the Northern Liberties, or any of the county towns or boroughs within this state, or in the open streets or highways thereof, except at the times appointed by law for holding fairs therein, any goods, wares or merchandise other than the growth, produce and manufacture of this or the adjoining states, under the penalty of ten pounds to be recovered in the manner and for the uses in this act contained.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the act of general assembly entitled "An act for regulating peddlers, vendues, &c,"<sup>1</sup> passed on the fourteenth day of February, which was in the year of our Lord one thousand seven hundred and twenty-nine (thirty) so far as the same relates to peddlers, hawkers and petty chapmen, be, and the same is hereby repealed.

Passed March 30, 1784. Recorded L. B. No. 2, p. 291, etc. See .  
the Acts of Assembly passed February 14, 1729-30, Chapter 308;  
March 28, 1799, Chapter 2038, and the note to the Act of Assembly  
passed December 9, 1783, Chapter 1063.

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## CHAPTER MXCI.

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AN ACT FOR CONTINUING THE ARCH OVER THE PUBLIC COMMON SEWER OF THE CITY OF PHILADELPHIA THROUGH THE MIDDLE OF THE DOCK, AND COVERING THE SAME WITH EARTH FROM WALNUT STREET TO THE FOOT BRIDGE, AND FOR RAISING A FUND FOR DEFRAYING THE EXPENSES THEREOF, AND FOR OTHER PURPOSES.

(Section I, P. L.) Whereas the space occupied by the north-western branch of the dock, and the streets on each side thereof, was by agreement between the first proprietary and the settlers

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<sup>1</sup> Passed February 14, 1729-30, Chapter 308.

to whom the adjacent ground fell by lot upon the partition of the city left open as well with the views of public benefit, by reserving a body of water in the city to extinguish fires, to keep open a drain for the land floods and for landing places; as to private advantage by increasing the value of the remaining parts of the said lots by the contiguous situation of the said dock:

And whereas divers attempts have been made, as well at the expense of the owners of the said adjacent lots, as of the public to keep the said dock in such order as to answer the ends originally intended, but it has been found by experience that the expense of cleaning the same and keeping it in such order is vastly greater than all the public and private benefits resulting from the landings thereon:

And whereas the drain through the said dock into the river is by the manner of regulating the streets of the city became absolutely necessary to carry off the floods which would otherwise overflow the most populous and central parts thereof, and by means of the filth and rubbish which are carried by the rains from all quarters of the city into the rock, the same is nearly filled up and has become a grievous nuisance dangerous to the health of the inhabitants and requires a speedy remedy:

To remedy therefore these mischiefs:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatiyes of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the commisioners for paving the streets of the city of Philadelphia shall, and they are hereby authorized and required, with all convenient expedition to employ the necessary laborers, workmen and artificers, and to provide all requisite materials, and to cause a good substantial arch of brick founded on strong stone walls, and floored with plank or logs at least five inches thick to be erected and turned along the middle or near the middle of the dock, which arch shall be at least nine feet wide and of a height sufficient to give vent to the waters, and shall begin at the end of the present common sewer at Walnut street and be extended southeastward to the main branch of the dock adjoining the public land-

ing, and shall cause the earth over the same to be levelled so as to form a public street or highway, which shall forever hereafter be and remain open for the public use, and shall be called and known by the name Dock street.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the regulators of the city of Philadelphia shall have power to determine all disputes with the adjacent land owners concerning the width of the said Dock street, and the commissioners aforesaid shall remove nuisances and obstructions therein and generally exercise the same authority in all things touching the same as by the laws of this commonwealth they already have or hereafter may have touching the other streets, lanes and alleys of the city of Philadelphia.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the expenses attending the making the said common sewer, covering the same with earth and making and regulating the said street shall be raised, levied, collected and defrayed in the same manner as the moneys are by law to be raised, levied and collected for defraying the expense of regulating, pitching, paving and cleansing the strets of the said city.

(Section V, P. L.) And whereas the inhabitants of that part of Market and Fourth streets which is subject to a flood of water collected from various parts of the city in times of heavy rains, in so much that the cellars are frequently overflowed, have sustained loss of effects and detriment to their health occasioned by putrid exhalations from the same, in the most sickly seasons, and the conduit being proved not large enough to carry off the redundant water, the nuisance is aggravated as the city increases and the streets are regulated: And whereas it is just and reasonable that the said inhabitants should be relieved:

For remedy whereof:

[Section IV.] (Section VI, P. L.) Be it enacted by the authority aforesaid, That the said street commissioners be and they are hereby authorized and empowered to enlarge the arch from Market or High street, where it may be requisite to allow

a free passage for the redundant water, in such manner as shall remedy the evil aforesaid effectually.

[Section V.] (Section VII, P. L.) Provided always, That the moneys raised or to be raised for the purposes aforesaid shall not exceed the sum of five thousand pounds.

Passed March 30, 1784. Recorded L. B. No. 2, p. 298, etc. See the Act of Assembly passed September 1, 1784, Chapter 1106.

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## CHAPTER MXCII.

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### AN ACT TO REGULATE THE FISHERIES IN THE RIVERS DELAWARE AND LEHIGH, AND FOR THE PRESERVATION OF THE FISH IN THE SAID RIVERS.

(Section I, P. L.) Whereas it is represented to this house by petition from a number of the inhabitants of Northampton county, that it hath become a common practice to fish in the rivers Delaware and Lehigh with divers seines or nets in the same pool or fishing place, so that the shad and other fish are in a great measure prevented from running up the said rivers to the places where they usually spawn; whereby their numbers are too much diminished and the inhabitants of this state dwelling near the upper parts of the said rivers, are deprived of a reasonable proportion of such fish:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, no more than one seine or net shall be cast, drawn or made use of, by any person or persons whatsoever in any one pool or fishing place in the said rivers or either of them or any part thereof within the jurisdiction of this commonwealth, within any one term of twenty-four hours, to begin from twelve of the clock at noon, and to continue until the same

hour the next day; and that if any person or persons shall cast, draw or make use of any seine or net in any pool or fishing place in the said rivers or either of them, or shall be aiding or assisting therein within the jurisdiction aforesaid, and within the time aforesaid, after any other seine or net has been within that time drawn out of the same, every [such] person or persons so offending being thereof convicted before any justice of the peace in and for the county where he or they shall be apprehended (which justice is hereby authorized and empowered to hear, try and determine the same) shall forfeit the sum of five pounds for every such offense, one moiety thereof to be paid to the prosecutor and the other moiety to be paid to the overseers of the poor of the city, borough, district or township, where such offender shall reside, if resident within this state, if otherwise where he shall be apprehended for the use of the poor thereof.

And in order to ascertain what shall be deemed and held to be a pool or fishing place within the meaning of this act:

[Section II.] (Section III, P. L.) Be it enacted by the authority aforesaid, That within so much of the said river Delaware as extends from the station point or northwest corner of New Jersey to the place upon the said river where the circular boundary of the state of Delaware touches upon the same, and within all the islands annexed to this state, from the place or places where seines or nets have been usually thrown in, to the place or places where they have been usually taken out or from the place or places where they may hereafter be thrown in, to the place or places they may be taken out in the said river, and so much of the river Lehigh as extends from one side or bank to the other side or bank thereof, and from the place or places where seines or nets have been usually thrown in to the place or places where they have been usually taken out or from the place or places where they may hereafter be thrown in to the place or places they may be taken out, in the aforesaid river shall be deemed and held, and is hereby declared to be a pool or fishing place within the meaning of this act.

[Section III.] (Section IV, P. L.) Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall cast, draw or make use of any seine or net for

catching fish in the said rivers, or either of them or in any of the pools or fishing places aforesaid or shall be aiding or assisting therein between the sun's setting on Saturday and sun's rising on Monday next following, every such person or persons being thereof convicted in manner aforesaid shall forfeit the sum of five pounds to be paid in the manner aforesaid.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That if any person or persons shall be found making use of any seine or net contrary to the true intent and meaning of this act, every such person or persons, so offending shall in addition to the penalty aforesaid, forfeit the seines or net so made use of; which said seine or net shall by order of the justice before whom such person or persons shall be convicted, be exposed to public sale, after giving five day's notice thereof by advertisements, and the money arising therefrom to be paid in the manner aforesaid, and for the use aforesaid the cost of such prosecution and sale being first deducted.

[Section V.] (Section VI, P. L.) Provided always, and be it enacted by the authority aforesaid, That if any person or persons shall cast, draw or make use of any seine or net for the purpose of catching shad within the limits of this state, in that part of the river Delaware between the place where the same touches upon the circular boundary of the state of Delaware and the falls of Trenton, after the tenth day of May, or between the said falls of Trenton and the mouth of the river Lehigh, after the fifteenth day of said month, or in any other part of the said river Delaware between the mouth of Lehigh and the station point or northwest corner of the state of New Jersey or in any part of the said river Lehigh after the twentieth day of May aforesaid in every year, every such person or persons so offending and being thereof convicted before any two justices of the peace in and for the county where he or they shall be apprehended (which justices are hereby authorized, empowered and required to hear, try and determine the same), shall forfeit and pay the sum of twenty pounds to be applied to the use aforesaid, and likewise pay the costs of prosecution.

(Section VII, P. L.) And whereas it is found by experience that large quantities of the fry and brood of fish, as well as

young fish unfit for use, have been for many years past, killed and destroyed by wears, racks, baskets, dams, pounds and other like engines and devices, formed and erected in the rivers aforesaid, for taking of large fish whereby the great quantities of fish, which were formerly to be found and taken in the said rivers, are much diminished to the great damage and injury of the public:

For remedy whereof:

[Section VI.] (Section VIII, P. L.) Be it enacted by the authority aforesaid, That if any person or persons whatsoever shall erect, build, set up, repair or maintain or shall be aiding, assisting or abetting in erecting, building, setting up, repairing or maintaining any wear, rack, baskets, fishing dams, pound or other device whatsoever for the taking of fish within the said rivers or either of them, or [that] shall fix or fasten any net or nets or any other device across or in any of the said rivers; or [that] shall take, destroy or spoil any spawn, fry or brood of fish, or any kind of fish whatsoever, in any such wear, rack, baskets, fishing dams, pounds or other device aforesaid, every such person or persons so offending, contrary to the true intent and meaning of this act being legally convicted thereof by the oath or affirmation of one or more credible witnesses, or by his or their own confession, shall forfeit and pay the sum of fifty pounds lawful money of this commonwealth for every such offense, or suffer nine months imprisonment without bail or mainprise, one moiety of which forfeiture shall be paid to the informer or prosecutor, and the other moiety to the overseers of the poor of the township, city or borough, where such offender shall reside, for the use of the poor of the said township, city or borough if resident within this commonwealth, if otherwise where he shall be apprehended.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That all and every of the offenses which shall be hereafter committed against the true intent and meaning of this act within either of the said rivers Delaware or Lehigh shall be laid to be committed within the said rivers respectively, in the county which shall lie next to or adjoining that part of the said rivers respectively where the offense is

committed; and the justices of the county court of quarter sessions of the said county, which shall so adjoin the part of the said river where the offense is committed, are hereby authorized, empowered and required, to hear, try and determine the same by a jury of the county, in the same manner as other criminal offenses, committed within their respective counties, are usually heard, tried and determined, before them.

And for the more speedy removal of such wears, racks, baskets, fishing dams, pounds and other devices aforesaid as are already or hereafter shall be made in any of the said rivers:

[Section VIII.] (Section X, P. L.) Be it enacted by the authority aforesaid, That the justices of the county court of quarter sessions of the several counties within this state, bounded on and adjoining to any of the said rivers, in which the same are included, at their next court of quarter sessions, after the publication of this act, and as often after as there shall be occasion, and that any justice or justices of the peace out of term time, shall and they are hereby enjoined and required, to issue forth their warrants to the overseers of the highways of each and every township, next adjacent to the wear, rack, fishing dam, pound or other device aforesaid, so erected, or in which they or any of them, shall be erected, enjoining and requiring them the said overseers respectively forthwith to remove or cause to be removed every such wear, rack, basket, fishing dam, pound or other device aforesaid; and for that purpose to summon the inhabitants of their respective townships, giving them three days' notice to repair, to throw down, remove and destroy such wear, rack, basket, fishing dam, pound or other device aforesaid, so erected, built or set up in manner aforesaid, and to make return of such their proceedings to the said justices, at their next court of quarter sessions, by whom such warrants shall be respectively issued; and if any such overseer or overseers of the highways, to whom such warrant shall be directed, shall refuse or neglect to discharge and perform the duty thereby enjoined and required of him or them, he or they so offending, and being thereof legally convicted by a jury of the county, or by his or their own confession, before the said justices, in the said court of quarter sessions, shall for every such

offense, forfeit and pay to the overseers of the poor of the township, city, borough or district where such offender or offenders shall reside, the sum of twenty pounds for the use of the poor of the said township, city, borough or district; and if any inhabitant, so summoned shall refuse or neglect to attend in person, or to send another able person in his room to assist in throwing down, removing and destroying such wear, rack, fishing dam, basket, pound or other device aforesaid, so erected, built or set up, in such manner as the said overseer or overseers shall order or direct, he shall forfeit and pay the sum of twenty shillings for every such offense, to the overseers of the poor of the township, city, borough or district whose inhabitants are so summoned for the use of the poor of the same; to be recovered and levied as debts under forty shillings are by law directed to be recovered and levied.

And to prevent any delay that may happen through default of any of the said justices, the said overseers of the highways, or of any other person or persons whatsoever:

[Section IX.] (Section XI, P. L.) Be it enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons whatsoever to break, throw down, remove and destroy, all or any wear or wears, fishing dams, racks, baskets, pounds or other devices whatsoever, built, set up or laid, or to be built, set up or laid within any of the aforesaid rivers, for catching of fish as aforesaid; and that every person or persons, who shall, assault, hinder or obstruct any person or persons in pulling down, breaking, removing or destroying any of the aforesaid devices in either of the rivers aforesaid, and being thereof legally convicted before any one of the said justices of the said courts, shall forfeit and pay for every such offense five pounds lawful money as aforesaid; one moiety thereof to the use of the poor as aforesaid and the other moiety to the person or persons assaulted or obstructed in removing or destroying any of the said devices to be recovered by warrant from any of the said justices as debts of five pounds, or under, are recoverable by the laws of this state.

And for the more effectual detecting and punishing offenders against this act:

[Section X.] (Section XII, P. L.) Be it enacted by the authority aforesaid, That the constable of each respective township, city, borough or district which shall be bounded by or adjoin to any part of either of the said rivers, shall and he is hereby enjoined and required under the penalty of five pounds to be recovered and applied in manner last aforesaid carefully and diligently to inspect and view once at least in every fourteen days from the first day of August to the first day of December in every year, such parts of the said rivers as shall be adjoining his respective township, borough or district; and having any knowledge of any offenses against this act, he shall forthwith give information thereof to some justice of the peace who shall immediately issue his warrant to the overseers of the highways aforesaid, for the purposes aforesaid, and the said constable shall also present, on oath or affirmation every such offense to the justices of the court of quarter sessions of their respective counties, together with the name or names of such offender or offenders that he or they may be tried according to the directions of this act, which oath or affirmation the said justices are hereby required duly and carefully to administer.

Passed March 30, 1784. Recorded L. B. No. 2, p. 300, etc. See the Act of Assembly passed April 7, 1786, Chapter 1222..

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## CHAPTER MXCIII

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AN ACT TO REMEDY THE DEFECTS OF THE SEVERAL ACTS OF ASSEMBLY HERETOFORE MADE FOR REGULATING THE ELECTIONS OF THE JUSTICES OF THE PEACE THROUGHOUT THIS STATE, AND TO ESTABLISH A PERMANENT MODE OF HOLDING SUCH ELECTIONS; AND TO AUTHORIZE THE JUSTICES OF THE PEACE OF THE CITY OF PHILADELPHIA TO HOLD THE COURTS OF RECORD OF THE SAID CITY.

(Section I, P. L.) Whereas in and by the act of assembly of this commonwealth which was passed on the fifth day of February, in the year of our Lord one thousand seven hundred, sev-

enty and seven, entitled "An act for directing the times and mode of electing justices of the peace for the city of Philadelphia, and the several and respective counties in this commonwealth, and for other purposes therein mentioned,"<sup>1</sup> the mode of choosing justices of the peace elect, within this state, and the number of them within each of the counties thereof were particularly set forth and ascertained; and the freeholders of the city of Philadelphia, in their several wards were enabled to choose within the same respectively, as districts for the purpose of the same act, and of this act, two justices of the peace elect, and the freeholders of the district of Southwark and of the townships of Moyamensing and Passyunk in the county of Philadelphia, jointly, as another of the districts for the purpose aforesaid, were enabled to choose four justices of the peace elect; and the freeholders of the township of the Northern Liberties of the same city, within the county aforesaid, were enabled to choose within the same township as another of the same district, four justices of the peace elect; and the freeholders of each county town of the then counties within state, not having a charter, enabling such town to elect burgesses, were enabled to choose three justices of the peace elect within the same; and that the freeholders of the rest of the county of Philadelphia to be divided and formed into twelve districts, and the freeholders of the county of Bucks to be divided and formed into thirteen districts, and the freeholders of the county of Chester, to be divided and formed into fifteen districts, and the freeholders of the county of Lancaster to be [divided and] formed into twenty-two districts, and the freeholders of the county of York to be divided and formed into eighteen districts, and the freeholders of the county of Berks to be divided and formed into twelve districts, and the freeholders of the county of Northampton to be divided and formed into sixteen districts, for the purpose aforesaid, and the freeholders of each townships then within the counties of Cumberland, Bedford, Northumberland and Westmoreland other than the county towns aforesaid, were enabled to choose within each of the same townships as

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<sup>1</sup> Passed February 5, 1777, Chapter 739.

Districts for the purpose [of the act] aforesaid and of this act two justices of the peace elect;

(Section II, P. L.) And whereas in and by the acts of assembly for erecting the counties of Washington and Fayette, respectively the townships within the same counties were declared to be districts severally for the purpose aforesaid, and the freeholders of each of the same districts were thereby enabled to choose two fit persons within every of them, as justices of the peace elect; and it was directed by the said acts of assembly, that the said several elections should be returned to the president in council, to the end, that one of the said justices elect, or two of them for each of the districts erected by or in pursuance of the act first before mentioned as the said district was entitled, might be commissioned as a justice or as justices of the peace for the proper county, according to the constitution of this commonwealth:

(Section III, P. L.) And whereas the commissioners and assessors, who at the time of passing the act first aforesaid, had been last elected to assess and levy the public taxes of the counties of Philadelphia, Bucks, Chester, Lancaster, York, Berks and Northampton were in and by the same act directed and enabled to meet at the court houses of their respective counties and thereto divide their several counties into districts as hereinbefore is enumerated and specified, and to appoint the places within each of the same districts, respectively, for holding of such elections:

(Section IV, P. L.) And whereas the commissioners and assessors aforesaid, have made the divisions of their several counties as directed in and by the act first hereinbefore mentioned; and justices of the peace elect have been chosen, and justices of the peace have been commissioned throughout the state, conformably to the same act, and to a supplement and to a further supplement thereto as directed by the constitution of this state; but inasmuch as the seven years for which many of the said justices of the peace [who were early] commissioned as aforesaid and who are still in office will shortly expire, and their commissions severally determine and no clear provision is made by any of the said acts of assembly for supplying the vacancies,

which will thereby happen, or for choosing justices of the peace elect in order to the nominating and commissioning other justices of the peace in the rooms and stead of such [of the said] justices whose commissions for seven years from the date of each commission respectively, shall from time to time expire or be otherwise determined and vacated:

(Section V. P. L.) And whereas it is proper that a certain and regular mode of holding the future elections of such justices of the peace elect, to supply the vacancies that have happened or may happen, by the expiration of the commission, death, resignation, removal out of the district, or removal from office for misconduct or upon the neglect or refusal of any person who shall be elected and commissioned as aforesaid, to take upon him the said office, or in any other case wherein any of the said justices shall be legally disabled or superseded:

[Section I.] (Section VI, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the several districts into which the city of Philadelphia, and the counties of Philadelphia, Bucks, Chester, Lancaster, York, [Berks] and Northampton have been divided by or under the authority of the act of assembly in the preamble hereto first recited, and the said county towns and the townships into which the counties of Cumberland, Bedford, Northumberland, Westmoreland, Washington and Fayette, respectively, are now divided, shall be districts for the purpose of this act, and shall have one justice of the peace or more justices of the peace for each of them, as herein before specified to be elected by the freeholders of such districts and commissioned by the president or vice-president in council as the constitution of this state hath provided and directed, and all vacancies which now are, or hereafter may be in justices of the peace of any ward, town, borough, township or district as aforesaid shall be filled and supplied by new elections as is herein after directed.

[Section II.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in any case wherein any such vacancy has happened, or shall hereafter happen, in any of the

districts for the purpose of the act first aforesaid, and of this act, it shall be lawful for any justice of the peace of the proper county, dwelling near, and the same justice is hereby required upon application to him made by two or more of the freeholders of the ward, township, town or other district as aforesaid, wherein such vacancy shall be, to issue his precept directed to one of the constables of such district, or in the absence of such constable to one of the overseers of the poor residing within such district, authorizing and commanding such constable or overseer of the poor to hold an election by the freeholders of such district, of two or more justices of the peace elect respectively, as such district is entitled to, or as the vacancy may require, in order that the same may be filled and supplied; and the same justice shall in his said precept appoint the day and the hour of such day (not after two of the clock in the afternoon of the same day), for opening the said election, within twenty days from and after the date of such precept; and the said constable or overseer shall affix a notice in writing of the issuing [and design of] such precept, and of the time and place when and where such election is to be holden, at six or more of the most public places within the same district, in order that the freeholders of the same district may be informed thereof, such notices to be affixed as aforesaid at least ten days before the day, which shall be appointed for the holding of said election. And before the freeholders of such district shall proceed to the said election, they shall by the major vote of such of them as be present at the place and time for holding such election, elect one of their number to be an inspector and two others of their number to be assistants to the said constable or overseer of the poor, in holding of the said election, in judging of the qualifications of the electors and in making return of the said precept and of the persons who shall be then and there chosen justices elect; to the president in council; and when the election shall be so holden and made, the said constable or the said overseer and their assistants as aforesaid, shall forthwith cast up the poll and ascertain the persons, who shall be highest in votes, and shall immediately afterwards declare and publish the same, and certify under their hands and seals, respectively the names

of the persons elected, together with the said precept to the president in council, and shall deliver the same to the clerk of the peace for the county to be transmitted to the office of the secretary of the president and council, and the said clerk of the peace shall file a copy thereof with a list of the names of such electors as aforesaid, among the records of the county; and the president in council shall commission one-half of the persons who shall be so elected as justices of the peace for the county.

[Section III.] (Section VIII, P. L.) Provided always, and be it enacted by the authority aforesaid, That every such election shall be by ballot, and by freeholders duly qualified to elect, as in the case of the general annual electors of the several counties of this state; and if any complaint be made of fraud or undue election of any person returned or commissioned as aforesaid, the president in council shall hear and determine the same, and in case the said election be declared void, the president in council shall thereupon issue such precept as aforesaid, authorizing and requiring the said constable, or the said overseer and the said assistants to proceed to another election and to supply the said vacancy, to be holden and returned, in like manner, and liable to be set aside for like cause and to like effect, as the first election aforesaid.

(Section IX, P. L.) Provided nevertheless, That such complaint be lodged with the secretary of the president and council within two months after the holding of the election to which such complaint shall relate.

[Section IV.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said assistant judges shall each of them before they proceed to such election take the following oath: That is to say,

“I, A. B., will faithfully assist the constable (or overseer of the poor) to whom the precept for holding this election is directed in performing the duties required of him by law, according to the best of my skill and judgment without partiality, favor or affection.”

And the said inspector in like manner shall take the following oath or affirmation, that is to say:

“I, A. B., will well and faithfully receive and cast up all the

votes of the freeholders of this district, who be duly qualified to elect, which shall be offered to me at this election, and I will refuse no vote from prejudice or ill-will nor receive any vote from favor or affection, but I will behave myself as an honest inspector during this election, according to the best of my skill and judgment."

And any justice of the peace who shall be present at such election (but in case no justice of the peace be then and there present, the said constable or the said overseer) shall openly and publicly administer such oaths or affirmations to the said assistant judges and to the said inspector. .

(Section XI, P. L.) And whereas complaints may be made of fraud or undue election as aforesaid, in districts which be far distant from the seat of government and it may be difficult to bring the witnesses of such fraud or undue election to appear in person before the president in council whereby such abuses may not be proved and detected, nor justice obtained therein:

For remedy whereof:

[Section V.] (Section XII, P. L.) Be it enacted by the authority aforesaid, That the president in council, in any case of disputed election under this act before them depending, concerning any district for the purposes of this act, which shall be more than thirty miles distant from such seat or the place where the president and council shall be then assembled, may authorize three of the justices of the peace of the proper county dwelling near to the place where the dispute shall arise, to examine, or two of the said justices to examine upon oath or affirmation, according to law, any person or persons, who may be named to the president and council as material witnesses, as well on the part of the complainant or complainents as on the adverse part; and to take such examination in writing, and to certify the same under their hands and seals or the hands and seals of any two of them to the president and council.

(Section XIII, P. L.) Provided always, That the said justices shall not take in writing nor certify any such examination in the absence of the adverse party until they be satisfied by the oath or affirmation of one disinterested credible witness at the least, that such adverse party hath had reasonable notice

of the person or persons so to be examined, and of the time and place, when and where such examination be taken, in order that such party may be present thereat, and may have opportunity to cross examine such witness or witnesses.

(Section XIV, P. L.) And where by extending the settlements and by the increase of inhabitants within the western and northern frontier counties of this state, and of the counties of Lancaster, Cumberland and Berks, the good order and peace of the said counties may require, that some of the larger districts formed therein for the purposes of this act should be divided or subdivided:

[Section VI.] (Section XV, P. L.) Be it therefore enacted by the authority aforesaid, That the president in council upon the certificate of the court of quarter sessions of the county, that such division is become proper and will be useful, may three months after filing the same with the secretary of the president and council, make an order for such division, and thereupon the freeholders of such new and additional district and districts shall be entitled to choose two justices elect, as is before directed in each of the districts established by this act, and the president and council shall commission one justice of the peace within the proper county, out of the persons so chosen and returned to them, as in other cases.

[Section VII.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the act of assembly first aforesaid passed on the fifth day of February, one thousand seven <sup>1</sup> hundred and seventy-seven and the supplement thereto, passed on the fifteenth day of March, in the same year <sup>2</sup> and the further supplement thereto, passed on the thirty-first day of August, one thousand seven hundred and seventy-eight <sup>3</sup> and every matter and thing therein contained shall be and the same are hereby repealed:

[Section VIII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the act of assembly for erecting the county of Washington, passed on the twenty-eighth

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<sup>1</sup> Passed February 5, 1777, Chapter 739.

<sup>2</sup> Passed March 5, 1777, Chapter 749.

<sup>3</sup> Passed August 31, 1778, Chapter 805.

day of March, one thousand seven hundred and eighty-one<sup>1</sup> and the act of assembly for erecting the county of Fayette, passed on the twenty-sixth day of September, one thousand seven hundred and eighty-three<sup>2</sup> so far as the same relate to the mode of electing justices of the peace elect, and no farther shall be and the same are hereby repealed and made void.

[Section IX.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the court of record of the city of Philadelphia, shall hereafter be holden by the justices of the peace elected within and commissioned for the said city, on the same days and with equal and like authority and jurisdiction, as the same has been heretofore holden, and the act of assembly, entitled "An act authorizing the president and council to appoint judges of the city court, and for other purposes therein mentioned,"<sup>3</sup> passed on the twenty-first day of March, one thousand seven hundred and seventy-seven so far as the same relates to the judges of the same court, and no further is hereby repealed and made void, and the commissions of the said judges and every of them are hereby vacated and annulled.

[Section X.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the several justices of the city of Philadelphia and of the several counties within this state on neglecting to attend on the several days and times appointed by law for the holding of their several courts shall forfeit and pay the fine of thirty shillings for each day that they shall so neglect to attend, recoverable agreeable to an act of the late province of Pennsylvania, entitled "An act for the better attendance of the justices on the several courts of judicature within this province and territories,"<sup>4</sup> passed in the twelfth year of the reign of King William the Third one-half for the informer, and the other half for the poor of the city, town, borough or township in which such court shall be held.

[Section XI.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That each and every process dis-

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<sup>1</sup> Passed March 28, 1781, Chapter 931.

<sup>2</sup> Passed September 26, 1783, Chapter 1056.

<sup>3</sup> Passed March 21, 1777, Chapter 754.

<sup>4</sup> Passed November 27, 1700, Chapter 34.

continued by the expiration of the commssions of the justices of either of the courts within this state who may have held their respective courts since the expiration of such commissions, shall be and they are hereby continued and no writ of error or other procedure shall be effectual in the law to defeat any act, authority or jurisdiction exercised or done by such justices in their respective courts on account of the expiration of such commissions.

Passed March 31, 1784. Recorded L. B. No. 2, p. 306, etc. See the Acts of Assembly passed September 13, 1785, Chapter 1177; March 4, 1786, Chapter 1205.

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## CHAPTER MXCIV.

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### AN ACT FOR OPENING THE LAND OFFICE FOR GRANTING AND DISPOSING OF THE UNAPPROPRIATED LANDS WITHIN THIS STATE.

(Section I, P. L.) Whereas the estates of the late proprietaries of Pennsylvania were by a law passed the twenty-seventh day of November, in the year one thousand seven hundred and seventy-nine<sup>1</sup> vested in this commonwealth:

And whereas by a subsequent law passed the ninth day of April, one thousand seven hundred and eighty-one, the land office was opened for the completing all such titles as had commenced before the tenth day of December, one thousand seven hundred and seventy-six, and inasmuch as it is just that all the citizens of this state holding lands should be placed on the same footing, with respect to their titles and the legal demands of government; and the time being now come when it appears necessary not only to increase the population of this state but to enable government to draw every possible advantage from the estates so vested in them:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the

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<sup>1</sup> Passed November 27, 1779, Chapter 874.

Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the land office shall be opened for the lands already purchased from the Indians on the first day of July next at the rate of ten pounds for every hundred acres with the usual fees of granting, surveying and patenting, excepting such tracts as shall be surveyed westward of the Allegheny mountain [which] shall be three pounds ten shillings and no more and that the several officers of the land office are hereby fully empowered and directed to do and perform every act and thing incident or in anywise appertaining to their said offices with respect to receiving, filing and entering locations, granting warrants on the same, receiving the consideration, directing copies of warrants or other rights, receiving returns and issuing patents of confirmation as heretofore agreeable to the former customs and usages of the said offices.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every applicant for lands shall produce to the secretary of the land office a particular description of the lands applied for with a certificate from two justices of the peace of the proper county, specifying whether the said lands be improved or not, and if improved how long since the said improvement was made, that interest may be charged accordingly.

[Section III.] (Section IV, P. L.) And be [it] enacted by the authority aforesaid, That the quantity of land granted to any one person shall not exceed four hundred acres, and that all grantees under this act as well as all claimants of unpatented lands whatsoever be and they are hereby confined to the same time with respect to patenting as is limited and directed by the law of this state, entitled "An act for establishing a land office and for other purposes therein mentioned,"<sup>1</sup> and the law entitled "An act to vest certain powers in the president of this state, together with the other officers therein named and for other purposes therein mentioned."<sup>2</sup>

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all persons possessed of old rights, unsatisfied warrants or other grants from the late proprietaries,

<sup>1</sup> Passed April 9, 1781, Chapter 940.

<sup>2</sup> Passed April 9, 1782, Chapter 964.

be and they are hereby confined in locating the same to the lands already purchased from the Indians; and in order to prevent disputes touching the same it is hereby enjoined on the commissioners appointed for making a further purchase that they ascertain in their negotion with the Indians with the greatest possible precision the line between the lands already purchased and those that shall be by them purchased.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That when the Indians shall be satisfied for the unpurchased lands within the limits of this state, the supreme executive council shall give official information thereof to the surveyor general, who shall thereupon appoint district surveyors for laying out all such lands within the said purchase as shall be found fit for the purpose of cultivation, into tracts of not more than five nor less than two hundred acres each numbering the same on the general draught or plot of each district and so soon as two hundred lots are surveyed the said surveyor general, together with the secretary and receiver-general of the land office or their lawful deputies by them respectively appointed, shall proceed to sell the same by public auction at such place or places and at such times and subject to such regulations as the supreme executive council may direct. And upon the payment of the full consideration bid at such sales, in the certificates hereinafter mentioned, specie or money of this state together with all fees in specie of surveying and patenting a title shall be granted in the usual manner and form for the land so sold. But in case the vendee should desire further time for the payment of a moiety of the said consideration, two years shall be allowed him, on his paying all fees and giving bond for the remaining moiety due to the state with lawful interest in specie or money of this state only, and upon this last payment his title shall be completed, before which time the lands shall stand charged with and be subject to said payment.

(Section VII, P. L.) And whereas the citizens of this state as well as the late officers and soldiers of the same have long labored under manifold inconveniences, by reason of the many just debts due to them from the United States remaining un-

paid, and inasmuch as it is the duty of the legislature of this state to see justice done to them:

[Section VI.] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That the receiver-general of the land office be authorized and required to receive in payment for all lands sold and granted in pursuance of this act as well in the old purchase as in that which is about to be made (the lands which are appropriated for the redemption of depreciation certificates, and the donation lands only excepted) all certificates of depreciation granted to the officers and soldiers of the late Pennsylvania line, the certificates for money loaned to the United States by citizens of this state, or granted in the name of or for the use of such citizens, and such certificates as have been, or may hereafter be granted to the officers and soldiers of the late Pennsylvania line and all other depreciation certificates granted to officers and soldiers of this state and all certificates for commutation and for arrearages of pay and the certificates of the commissaries, quarter masters and forage-masters; also certificates for debts due to the citizens of this state from the United States or from this state when liquidated by the proper officers of the continent or of this state respectively with all the interest due on the same at the day of payment; all such certificates which remain unliquidated to be reduced to specie value agreeably to the continental scale of depreciation by the commissioner of loans or by some continental officer, or an officer to be for that purpose appointed, before they are offered in payment at the said receiver-general's office, in order that the United States may be charged with the same and that gold, silver and the paper money of this state shall be receivable at the said office from all applicants whatsoever; but that those applicants who are not citizens of this state shall be restrained in their payments to specie and Pennsylvania money alone. Provided always, That no certificate be received from any person who was not at the time of issuing such certificate a citizen of this state and that no certificate be received that hath been alienated, transferred or sold by any person not a citizen of this state to a citizen of this state. And the receiver general is hereby enjoined and required in all cases of doubt, to make

strict inquiry touching the right of citizenship in the parties applying either by the oath of the party (which he is hereby empowered to administer) or otherwise as to him shall seem meet.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the receiver-general shall at the time of settling his accounts in the comptroller-general's office render and pay over all certificates by him received unto the comptroller-general and in his accounts which he shall render for the aforesaid purpose he shall distinguish between the several payments he may receive in specie, in Pennsylvania money and in the certificates aforesaid, with the interest due on each certificate at the time he may receive the same which time of receiving and the interest due, shall be endorsed on the back of each certificate respectively and the said comptroller-general shall and he is hereby authorized and directed to pass to the credit of the cash account of the said receiver-general all such certificates so produced as it shall appear to have been received by him aforesaid, together with the interest thereon to the time he may have received the same. And the said receiver general shall once in every month pay and deliver over to the treasurer of this state all such moneys as shall be received by him, by virtue of this act.

(Section X, P. L.) Provided always, That the said surveyor or surveyors so appointed or to be appointed as aforesaid shall have and receive for their trouble and expense of surveying, paying chain-carriers, markers, returning the survey of each and every survey within the purchase to be made from the Indians with a complete draught or plot of the same, three pounds ten shillings to be paid by the purchaser in specie by adding the said sum to the amount of sales of each and every tract.

Passed April 1, 1784. Recorded L. B. No. 2, p. 312, etc. See the Acts of Asembly passed December 21, 1784, Chapter 1122; December 30, 1786, Chapter 1259; October 3, 1788.

CHAPTER MXCV.

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## AN ACT FOR THE FURTHER REGULATION OF THE PORT OF PHILADELPHIA, AND ENLARGING THE POWER OF THE WARDENS THEREOF.

(Section I, P. L.) Whereas from the increase of trade and the number of foreign ships and vessels resorting to the port of Philadelphia; it is become necessary that further regulations should be established for preserving good order in the anchoring, mooring and removing of ships and other vessels within the harbor.

And whereas the wharves extending into the common highway of the river Delaware are, and of right ought to be, subject to such regulations as may best promote the conveniency of the public, and the general interests of commerce, preserving nevertheless as far as may be consistent therewith, the rights of private property:

And whereas it is expedient for these and other salutary purposes, that a new nomination and appointment of wardens and of the collector of the duties of tonnage should be made.

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That Francis Gurney, John Donaldson, Samuel Caldwell, Thomas Pryer, George Ord, Nathaniel Falconer and John Hazelwood be, and they are hereby severally and respectively nominated and appointed wardens of the port of Philadelphia, and that Jacob S. Howell be, and he is hereby nominated and appointed collector of the duties and sums of money which may be due and payable for all ships and vessels, chargeable therewith, who shall also be the clerk or secretary of the board of wardens and keeper of their records, files and minutes of proceedings, and receiver of fines

and penalties, which wardens and collectors are hereby severally and respectively, invested with all the powers, rights, privileges, jurisdiction and authority, and subject to all such duties, regulations, restrictions and penalties as the wardens and collector of the duties of tonnage, appointed in and by an act of the general assembly of Pennsylvania, entitled "An act appointing wardens for the port of Philadelphia, and for other purposes therein mentioned<sup>1</sup> made and passed the twenty-sixth day of February, one thousand seven hundred and seventy-three, were invested with and subjected to in and by the said act, such alterations and additions as are herein and hereby made and expressed, always excepted.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That each and every of the said wardens before they take upon themselves the exercise of the said office, shall respectively take an oath or affirmation, "That he will well and faithfully to the best of his skill, understanding and judgment, perform, do, execute and discharge the office and duty of a warden without favor or partiality according to the directions of an act of the general assembly of Pennsylvania, entitled "An act appointing wardens for the port of Philadelphia, and for other purposes therein mentioned and of an act of the legislature of the commonwealth of Pennsylvania, entitled 'An act for the further regulation of the port of Philadelphia, and enlarging the power of the wardens thereof,'" which qualification any justice of the peace of, and for the city and county of Philadelphia is hereby authorized and enjoined to administer and record.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall and [may] be lawful to and for the wardens aforesaid, to establish and keep a public office at some convenient place within the city of Philadelphia, where also shall be kept the office of the collector of the duties of tonnage, at which office the president of the board of wardens for the time being, or some other one of them as shall be

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<sup>1</sup> Passed February 26, 1773, Chapter 671.

agreed upon and ordered from time to time by the said board, shall attend daily and every day, Sundays excepted, at the usual office hours, for the cognizance and dispatch of such business as may belong to the said office of the wardens. And to the end that the navigation of the river Delaware may not be injured by the extension of wharves to an improper distance into the channel thereof within the port of Philadelphia or by obstructions or encroachments of any other kind:

[Section IV.] (Section V, P. L.) Be it enacted by the authority aforesaid, That when and so often as any person shall be desirous to extend any wharf or other building into the tideway of the river Delaware from any part of the city or liberties of Philadelphia, such person shall make application to the said board of wardens, stating in writing the nature, extent and plan of such intended building and if it shall appear to the said board of wardens or a majority of them, that such plan and design may be lawfully executed, and that the same will not improperly encroach upon nor injure the said channel and harbor, the said board of wardens shall thereupon give their assent and license for erecting and extending such wharf or building, and cause the same to be recorded in their office but if the said board of wardens shall deem it improper to give such assent and license, and the party applying shall think himself aggrieved by their refusal, such party may thereupon make such application to the supreme executive council, who after hearing the reasons which induced the wardens to refuse their assent, shall finally determine and award thereon. And if any person or persons, after the publication of this act, shall presume to extend any wharf or building, within the city or liberties of Philadelphia into the river Delaware beyond low water mark, without license first had and obtained from the wardens as aforesaid, or in case of their refusal from the supreme executive council as aforesaid, it shall and may be lawful for the said board of wardens to order and cause the same to be removed at the expense of the party or parties who shall so have erected or extended such wharf or building which expense shall be recovered, with costs of suit, from such offending party or parties by action of debt, at the suit of the collector of the duties of tonnage for

the time being, in any court where debts of equal amount are cognizable.

(Section VI, P. L.) And whereas it sometimes happens that vessels are injuriously impeded in the lading or discharging of their cargoes, by being refused admittance to a wharf, although divers wharves or parts thereof may be unoccupied by any other vessel, or occupied by such only as might without material injury be removed to some other situation:

(Section VII, P. L.) And whereas it is just and proper that the owner or possessor of a wharf, though extended into the river beyond low water mark should enjoy a reasonable right of preoccupancy thereof:

[Section V.] (Section VIII, P. L.) Be it enacted by the authority aforesaid, That no ship or vessel subject to the duties of tonnage shall be permitted to moor at or otherwise to occupy any wharf within the city or liberties of Philadelphia, without leave first had and obtained from the owner or possessor thereof: Provided always, That if such leave be duly applied for by the owner, agent, master or other person having charge of such ship or vessel, and refused by the owner or possessor of any wharf within the limits aforesaid, being vacant in the whole, or in such parts as may reasonably accommodate the ship or vessel so applied for, and such vacancy shall remain unoccupied by some ship or vessel in which the owner or possessor of the wharf hath an immediate interest, for twenty-four hours after such application and refusal, it shall then and in such case be lawful for the ship or vessel first applied for to be moored at and occupy such wharf for so long time as shall be requisite for the dispatch of her business, subject nevertheless to the control and direction of the wardens as hereinafter mentioned.

(Section IX, P. L.) And whereas it is proper that the owners and possessors of wharves should be entitled to demand and receive a due compensation for the use and occupancy thereof:

[Section VI.] (Section X, P. L.) Be it enacted by the authority aforesaid, That when any ships or vessel subject to the duties of tonnage shall be moored at and occupy any wharf, or end or side thereof within the city of Philadelphia, affording proper convenience for such vessel to discharge and receive goods either

with or without the leave and consent of the owner or possessor of such wharf, and without any agreement being made for the rate or price of such wharfage, it shall and may be lawful for the owner or possessor of such wharf to demand and receive for such wharfage, any sum not exceeding [the rate of] six shillings per day, for so long time as such vessel shall so occupy such wharf or part thereof, and for an outside berth the second vessel from a wharf shall pay not exceeding [the rate of] two shillings and six [pence] per day and the third vessel from a wharf shall pay not exceeding the rate of one shilling and six pence per day.

(Section XI, P. L.) And whereas vessels being out [of] repair, or for some other reason remaining unemployed or nearly so, frequently occupy for an unreasonable length of time the wharves and situations best adapted for the dispatch of business to the great hindrance and obstruction of others:

[Section VII.] (Section XII, P. L.) Be it enacted by the authority aforesaid, That the said wardens or the president or member attending for the time being as aforesaid be, and they are hereby severally authorized and required on application to them or him made for the removal of any such ship or vessel, to inquire into the nature and circumstances of the case, and to order such [ship] or vessel to be removed, to such other place or situation as the owner, master or other person having charge thereof shall choose, and the said wardens or warden shall approve, and in case such owner or other person shall refuse or neglect to choose such other place or situation as shall be so approved, or to make such removal of the vessel as the said wardens or warden shall direct within twenty-four hours after due notice given for that purpose, such owner, master or other person having charge of such ship or vessel, shall forfeit and pay to the collector of the duties of tonnage, the sum of five pounds per day, for every day such ship or vessel shall afterwards remain unremoved as aforesaid unless prevented by stress of weather or other reasonable cause, of which the said wardens or warden shall be the judges or judge, which forfeiture shall be recovered with costs by action of debt or by attachment of the said ship or vessel and her appurtenances, at the suit of the said

collector, as captain's or seamen's wages are recoverable, and applied as hereinafter is directed.

(Section XIII, P. L.) And whereas inconveniences and mischiefs frequently happen for want of order and regularity in the placing, anchoring and mooring of vessels in the stream as well as at the wharves and docks.

[Section VIII.] (Section XIV, P. L.) Be it enacted by the authority aforesaid, That it shall and may be lawful to, and for the said wardens, [or a majority of them], and they are hereby authorized and required to form and establish such rules and orders as they, on due deliberation and advisement, shall from time to time think requisite and proper for guarding against such inconveniences and mischiefs, which rules and orders shall be recorded in the office of the said wardens, and shall be printed and published for the information of all whom it may concern; and if any owner, master or other person having the charge or command of any ship or vessel within the harbor of Philadelphia, shall wilfully or negligently disobey or refuse, or neglect to comply with such rules and orders, after due notice thereof, or neglect or refuse to comply with any reasonable order or direction of the said wardens or the president or attending member thereof as aforesaid, respecting the placing, mooring, or remooring of such ship or vessel within the said harbor, such owner, master or other person, shall forfeit and pay the sum of five pounds for every such offense for the first time and ten pounds for each and every time the same, or a similar offense shall be repeated for which fines such vessel and her appurtenances shall be liable, as well as the person and effects of the offender or offenders; and the owner and all others concerned in any such vessel, shall moreover be barred from recovering any compensation for any damages she may sustain in the meantime, by any other vessel running foul of or injuring the same, or the tackle and apparel thereof; which fines and forfeitures shall be, and they are hereby made recoverable as herein before is directed for the recovery of fines and forfeitures for refusing or neglecting to remove a vessel from a wharf, by order of the said wardens or warden.

[Section IX.] (Section XV, P. L.) And be it further enacted

by the authority aforesaid, That if any person or persons shall think himself or themselves aggrieved by any order or sentence made and given by the president or attending member of the wardens for the time being as aforesaid it shall and may be lawful for such person or persons to appeal therefrom to the board of wardens, on giving bond to the president of the wardens, with sufficient surety to abide and perform the final determination of the board thereon, of the sufficiency of which surety the president of the wardens for the time being shall judge and determine which bond shall be executed and tendered within twenty-four hours after notice of such order or sentence and the party appellant shall prosecute such appeal to effect before the board at their next meeting, or otherwise the appeal shall be dismissed, unless satisfactory cause for a farther continuance be shown to the board; and if either of the parties shall require it, and the president or attending [member] of the wardens aforesaid shall think it proper, a special meeting of the board shall be called for the hearing of such appeal as early as may be; and if upon such hearing either at an ordinary or special meeting, the original order or sentence shall be affirmed, the board shall award such reasonable costs to be paid by the appellant as they shall adjudge to be adequate to the expenses occasioned by the appeal, including the established pay of the wardens and their clerk for so long time as they shall have attended on the said business.

[Section X.] (Section XVI, P. L.) And be it enacted by the authority aforesaid, That all fines, forfeitures and penalties made recoverable by this act, and not herein before appropriated, shall be paid into the hands of the collector of the duties of tonnage and by him accounted for in like manner as he is made accountable for the said duties of tonnage, and appropriated accordingly as an addition to the funds thence arising.

(Section XVII, P. L.) And whereas injuries frequently happen by vessels accidentally or negligently running foul one on another and it is expedient that a summary and expeditious mode should be established for ascertaining such damages, and awarding payment thereof by the party or parties who ought of right to pay the same:

[Section XI.] (Section XVIII, P. L.) Be it enacted by the authority aforesaid, That the party injured by such accident or negligence, and claiming redress, shall and may apply to the president, or attending member of the board of wardens, stating his claim of redress, and pointing out the person or persons from whom the same is demanded, which president or attending member is authorized and required to appoint a time and place for the hearing and determination of such claim, of which notice shall be given in writing by the party claiming to the adverse party, at least twenty-four hours before the time so appointed; and the said president or attending member, calling to his assistance any two of the wardens, shall form a competent board for the business, and after due information by examination of witnesses, inspection, survey, or such other proper means as the case may require, shall adjudge and award such recompence for the damages sustained, as they, or the majority of them shall think just and reasonable, to be paid by one party to the other for the same, together with such reasonable expenses as may have been incurred in obtaining such information; and such award certified under the hands of the wardens who shall have made the same, shall be final and conclusive to the parties, and shall be taken and deemed to be sufficient evidence of a debt incurred to maintain and support an action in any court where the same may be cognizable, and the party injured may prosecute thereon accordingly by summons or capias as the case may require, or by attachment of the vessel which occasioned such damages, at his option.

(Section XIX, P. L.) Provided always, that nothing herein contained shall be deemed or construed to prevent the parties from settling and determining such matter by compromise, or in such other mode as they shall by mutual consent agree upon.

(Section XX, P. L.) And whereas it is just and reasonable that the said wardens should receive a competent allowance for their time, trouble and services in the performance of the duties required of them:

[Section XII.] (Section XXI, P. L.) Be it enacted by the authority aforesaid, That in lieu of the fees and allowance mentioned in the third section of the act herein before recited and

referred to, the president or other warden who shall be the attending member for the time being as aforesaid, shall have and receive for every day he shall so attend, the sum of seven shillings and six pence and each and every of the said wardens shall have and receive the sum of five shillings for every day he shall be employed in any other of the duties and services of a warden to be paid by the collector of the duties of tonnage out of the fund arising from the said duties on warrants granted by order of the said board of wardens and signed by the president at any of their quarterly meetings, and to the clerk of the said board shall be allowed and paid out of the said fund on warrants to be issued in like manner such reasonable sum as the said board of wardens shall certify is justly due, as an allowance for office rent, fire, candles, stationery and other proper accommodations for the office of the said wardens, of all which warrants, orders and proceedings of the board of wardens, fair entries and minutes shall be kept by the said clerk, under the direction of the said board, and such warrants with receipts thereon, shall be respectively sufficient vouchers to the said collector in discharge of the sums therein expressed.

(Section XXII, P. L.) And whereas the mode heretofore used in obtaining and executing warrants of survey on vessels and goods damaged or supposed to be damaged by stress of weather, accidents at sea, bad storage or other cause, has been found to be unduly expensive and burdensome:

[Section XIII.] (Section XXIII,, P. L.) Be it enacted by the authority aforesaid, That when and so often as any such warrant of survey shall be applied for to the court of admiralty or other competent jurisdiction, the warrant granted thereon, shall be directed to the wardens of the port of Philadelphia for the time being, directing or requiring them or any two of them in the usual form to execute the same, and such warrant shall be so framed as to comprehend all the surveys which may be requisite to be made respecting any one vessel and the various parts or portions of her cargo; under which warrant the said surveyors may nevertheless make and return such and so many separate and distinct reports to the judges of the admiralty as the nature and circumstances of the case may require. And

in case the said surveyors shall think the aid and assistance of a ship carpenter or other tradesman necessary to the forming of a proper judgment and report on any such survey, they are hereby authorized to call to their aid any such tradesman as they shall choose, and who shall be willing to join them in the said business, which tradesman so choosen and called, shall be taken and deemed to be a surveyor for that occasion as fully and amply to all intents and purposes as if he had been named in the warrant. And as a compensation to the said surveyors for performing the said duties, they shall be allowed and paid by the parties respectively demanding or requiring any such survey, as follows to-wit: To the two wardens who shall perform the service ten shillings each for every survey and return on a ship or other vessel, and five shillings each for every separate shipment or invoice of goods they shall so survey and report upon, and to the carpenter or other tradesman so called to their assistance a like sum for every survey and return he shall so join in making.

(Section XXIV, P. L.) And whereas it is just and reasonable that foreigners enjoying the benefits of trade in our ports in common with citizens of the United States and being at the same time exempted from many of the duties and burdens of citizenship should pay some consideration, therefore:

[Section XIV.] (Section XXV, P. L.) Be it enacted by the authority aforesaid, That from and after the publication of this act, an additional duty of seven pence per ton be charged upon, and levied and collected from every ship or vessel coming into or going out of any port in this state, the property whereof in whole or in part shall be owned by or belonging to any person or persons not being a citizen or citizens of the United States, or the territories thereunto belonging, over and besides the duties of tonnage heretofore charged upon all ships and vessels coming into or going out of the said ports, which said additional duties shall be accounted, taken and paid in the like manner in all respects and under the like penalties for refusal or neglect as in and by the before recited act, entitled "An act for appointing wardens for the port of Philadelphia and for other purposes therein mentioned,"<sup>1</sup> are directed and expressed.

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<sup>1</sup> Passed February 26, 1773, Chapter 671.

[Section XV.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That if any of the said wardens shall refuse to act, remove from the port of Philadelphia, be rendered incapable of acting or die, that then and in such case, the president or vice-president in council for the time being shall appoint a warden or wardens in the room, stead and place of such warden or wardens, who shall so refuse to act, remove be incapacitated or die, and in case of the refusal, removal, incapacity or death of the collector of tonnage by this act appointed, then the wardens aforesaid or a majority of them shall in the recess of the assembly nominate and appoint a collector in the room, stead and place of the said collector who shall refuse to act, remove from the port of Philadelphia, be incapacitated or die, and as often as a refusal to act removal, incapacity or death of any collector under this act shall take place, which collector shall, during the recess aforesaid exercise all the authorities and jurisdiction under this act appointed to be by him exercised or done in the appointment aforesaid.

Passed April 1, 1784. Recorded L. B. No. 2, page 321. See the Acts of Assembly passed April 1, 1784, Chapter 1101; September 23, 1784, Chapter 1115; April 4, 1785, Chapter 1158; April 5, 1785, Chapter 1161. The act in the text was repealed by the Act of Assembly passed October 4, 1788, Chapter 1365.

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## CHAPTER MXCVI.

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AN ACT FOR THE RELIEF OF JOHN LONG, JOHN McFADDEN, DANIEL DRAIS, MARY CURRIE AND ELIZABETH CARNAGHAN, INSOLVENT DEBTORS CONFINED IN THE GAOL OF THE CITY AND COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas John Long, John McFadden, Daniel Drais, Mary Currie and Elizabeth Carnaghan, prisoners confined in the gaol of the city and county of Philadelphia for debt, by their petitions to this house have severally set forth that by reason of misfortunes they are wholly unable to satisfy their creditors, and have prayed that they may be discharged from

further confinement; and the house having thereupon, by their committee, caused due and full inquiry to be made into the circumstances of the cases of the said John Long, John McFadden, Daniel Drais, Mary Currie and Elizabeth Carnaghan, and the prayer of their said petitions being found reasonable and just:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the county court of common pleas in and for the city and county of Philadelphia (by the process of which court the said John Long, John McFadden, Daniel Drais, Mary Currie and Elizabeth Carnaghan have been committed) be and they are hereby authorized and required upon the several and respective petitions of the said John Long, John McFadden, Daniel Drais, Mary Currie and Elizabeth Carnaghan, to grant unto them and [to] each of them, the like relief as by the laws now in force within this state is provided for insolvent debtors who are confined in execution for debt not exceeding one hundred and fifty pounds to any one person.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the same court, upon such petitions being made to them, by the said John Long, John McFadden, Daniel Drais, Mary Currie and Elizabeth Carnaghan, for their several and respective discharges as aforesaid, shall thereupon proceed in all things (except as herein after excepted) conformably to the purport, intent and meaning of the several acts of assembly now in force within this commonwealth for the relief of insolvent debtors, not owing more than one hundred and fifty pounds to one person as aforesaid; and that their several and respective discharges be equally valid and effectual, and their proceedings equally good and binding to all intents and purposes whatsoever.

[Section III.] (Section IV, P. L.) Provided always and be it further enacted by the authority aforesaid, That if any creditor or creditors of the said John Long, John McFadden, Daniel Drais, Mary Currie and Elizabeth Carnaghan or either of them

do not or shall not reside in this state at the time of such proceedings before said court, that the service of notice of application to the said court or of any rule or order of the same court in the premises, on the known agent or attorney of such creditor or creditors within [this] state shall be equally good and effectual as if the same notice or notices were served on such creditor or creditors in person.

[Section IV.] (Section V, P. L.) Provided also, and be it further enacted by the authority aforesaid, That after the said John Long, John McFadden, Daniel Drais, Mary Currie and Elizabeth Carnaghan, or either or any of them shall obtain his, her or their discharge by virtue of this act, it shall not be lawful for the court so discharging him, her or them to remand to gaol them or any of them, although the creditor or creditors of him, her or them, or any of them so discharged, shall or may desire the same, and offer to give security to pay such weekly allowance to the said debtor or debtors or any of them, as the said court shall assess.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said court shall and may grant relief to the said Mary Currie upon her petition to them as aforesaid, any rent due from her to any of her creditor or creditors notwithstanding.

Passed April 1, 1784. Recorded L. B. No. 2, p. 319, etc.

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## CHAPTER MXCVII.

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### AN ACT TO EMPOWER THE SUPREME EXECUTIVE COUNCIL TO SELL THE BARRACKS IN THE NORTHERN LIBERTIES OF THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas by the fourteenth section of the act for vesting the estates of the late proprietaries in this commonwealth, passed the twenty-seventh day of November, one thousand seven hundred and seventy-nine, it is provided, that

not more than twenty thousand pounds, nor less than fifteen thousand pounds shall be paid, or payable in any one year, until the whole sum granted to the said proprietaries by the said act be fully paid and discharged, and that the first [annual] payment be made at the expiration of one year after the termination of the war. In order therefore to enable the commonwealth to comply therewith, and for other good causes:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the president or vice-president in council be and they are hereby empowered to appoint two or more commissioners, who shall expose to public sale, and sell to the highest bidder, the lot of ground and barracks, situated and being in the Northern Liberties of the city of Philadelphia, and on payment of the full purchase money as herein after directed, it shall and may be lawful for the president or vice-president in council, to make good and effectual grants in fee simple for the same, under the great seal of the commonwealth to the purchaser or purchasers thereof: Provided always, That one third of the purchase money shall be paid at the time of purchase, and the remaining two thirds within nine months after, and in case of neglect or refusal, the premises shall be again sold by direction of the supreme executive council, and the first payment be forfeited to and for the use of the state.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the president or vice-president in council are hereby empowered to apportion and lay off the said lot of ground into as many lots as they may deem necessary, and lay out such and so many streets or lanes therein as will best promote the interest of the state, and the convenience of the adjoining inhabitants, which streets and lanes so laid out, shall be deemed and taken as public highways forever.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the commissioners appointed under this act, shall receive for their trouble such pay or commissions as to the supreme executive council shall appear just and right.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the moneys arising from the sales aforesaid (commissions and charges being first deducted) shall be lodged in the treasury of this commonwealth, towards the payment of the fifteen thousand pounds sterling aforesaid, and for no other purpose whatever.

Passed April 1, 1784. Recorded L. B. No. 2, p. 317, etc. See the Acts of Assembly passed February 10, 1785, Chapter 1130; March 28, 1787, Chapter 1284.

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## CHAPTER MXCVIII.

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### AN ACT FOR THE RELIEF OF HENRY EBERLE, AN INSOLVENT DEBTOR, CONFINED IN THE GAOL OF LANCASTER COUNTY.

(Section I, P. L.) Whereas Henry Eberle, a prisoner confined in the gaol of Lancaster county for debt, by his petition to this house hath set forth that by reason of divers losses and misfortunes he is wholly unable to satisfy his creditors, and hath prayed that he may be discharged from further confinement; and the house having thereupon, by their committee, caused due and full inquiry to be made into the circumstances of the said Henry Eberle's case, and the prayer of his said petition being found reasonable and necessary:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the county court of common pleas, in and for the county of Lancaster (by the process of which court the said Henry Eberle hath been committed) be, and they are hereby authorized and required upon [the petition] of the said Henry Eberle, to grant unto him the like relief as by the laws of this state is provided and enacted for insolvent debtors who are confined in execution for debt, not exceeding one hundred and fifty pounds to any one person.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the same court, upon such petition being made to them by the said Henry Eberle, for his discharge as aforesaid, shall thereupon proceed in all things conformably to the purport, intent and meaning of the several acts of assembly now in force in this commonwealth, for the relief of insolvent debtors, not owing more than one hundred and fifty pounds to one person as aforesaid) that their discharges be equally valid and effectual, and their proceedings equally good and binding to all intents and purposes whatsoever.

[Section III.] (Section IV, P. L.) Provided always, and be it enacted by the authority aforesaid, That if any creditor or creditors of the said Henry Eberle do not or shall not reside in this state at the time of such proceeding before the same court, that the service of notice of the application to the said court, or any rule or order of the same court in the premises, on the known agent or attorney of such creditor or creditors within this state, shall be equally good and effectual as if the same notice or notices were served on such creditor or creditors in person.

[Section IV.] (Section V, P. L.) Provided also, and be it further enacted by the authority aforesaid, That after the said Henry Eberle, shall obtain his discharge by virtue of this act, it shall not be lawful for the court, so discharging, to remand him to gaol, although the creditor or creditors of him so discharged, shall or may desire the same, and offer to give security to pay such weekly allowance to the said debtor as the said court shall assess.

Passed April 1, 1784. Recorded L. B. No. 2, p. 331, etc.

CHAPTER MXCIX.

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## AN ACT CONFIRMING AN AGREEMENT ENTERED INTO BETWEEN THIS STATE AND THE STATE OF VIRGINIA.

(Section I, P. L.) Whereas George Bryan, John Ewing and David Rittenhouse were duly appointed commissioners on behalf of this commonwealth and fully authorized to meet and agree with other commissioners on the part of Virginia upon the western boundary: And whereas the said George Bryan, John Ewing and David Rittenhouse in pursuance of the said trust and power, did, on the thirty-first day of August, one thousand seven hundred and seventy-nine meet certain commissioners on the part of Virginia, to-wit: James Maddison and Robert Andrews, and an agreement was then entered into, concluded and signed by and between the said commissioners on the part of their respective states by whom they were for the purpose aforesaid delegated which agreement was upon the twenty-third day of September, one thousand seven hundred and eighty unanimously confirmed by this commonwealth, as follows: Resolved, That although the conditions annexed by the legislature of Virginia to the ratification of the boundary line agreed to by the commissioners of Pennsylvania and Virginia on the thirty-first of August, one thousand seven hundred and seventy-nine may tend to countenance some unwarrantable claims which may be made under the state of Virginia, in consequence of pretended purchases or settlements pending the controversy, yet this state determining to give to the world the most unequivocal proof of their earnest desire to promote peace and harmony with a sister state so necessary during this great contest against the common enemy do agree to the conditions proposed by the state of Virginia in their resolves of the twenty-third day of June last, to wit: That the agreement made on the thirty-first day of August, one thousand seven hundred and

seventy-nine between James Maddison and Robert Andrews commissioners for the commonwealth of Virginia and George Bryan, John Ewing and David Rittenhouse, commissioners for the commonwealth of Pennsylvania be ratified and finally confirmed, to wit: That the line commonly called Mason and Dixon's line, be extended due west, five degrees of longitude to be computed from the river Delaware for the southern boundary of Pennsylvania; and that a meridian drawn from the western extremity thereof to the northern limits of the said states respectively, be the western boundary of Pennsylvania forever on condition that the private property and rights of all persons acquired under, founded on, or recognized by the laws of either country previous to the date hereof be saved and confirmed to them although they should be found to fall within the other, and that in the decision of disputes thereon preference shall be given to the elder or prior right which ever of the said states the same shall have been acquired under, such persons paying, within whose boundary their lands shall be included the same purchase or consideration money which would have been due from them to the state under which they claimed the right and where any such purchase or consideration money hath since the declaration of American independence been received by either state for lands, which, according to the before recited agreement, shall fall within the territory of the other, the same shall be reciprocally refunded and repaid and that the inhabitants of the disputed territory, now ceded to the state of Pennsylvania shall not before the first day of December in the present year, be subject to the payment of any tax, nor at any time to the payment of any arrears of taxes or impositions heretofore laid by either state, and we do hereby accept and fully ratify the said recited condition and the boundary line formed.

(Section II, P. L.) And whereas it is right and just that the said agreement and every part thereof should be confirmed by this state saving unto all persons their rights acquired as aforesaid before the ratification before cited in order that no cause whatever should interrupt that harmony which it is the desire of this commonwealth to preserve with a sister state:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the agreement and stipulations before recited and every part thereof entered into as aforesaid is hereby ratified and confirmed and declared to be valid and binding on behalf of this commonwealth and as effectually and to all intents and purposes as if the said agreement was especially recited in this act.

Passed April 1, 1784. Recorded L. B. No. 2, p. 332, etc.

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## CHAPTER MC.

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### AN ACT TO ENABLE THE COMPTROLLER-GENERAL TO ISSUE CERTIFICATES FOR THE BALANCES DUE ON THE ACCOUNTS OF THE LATE RANGING COMPANIES RAISED FOR THE DEFENSE OF THE FRONTIERS, AND OTHER ACCOUNTS DUE TO THE CITIZENS OF THIS STATE.

(Section I, P. L.) Whereas there are considerable balances due to the citizens of this state including the several companies of rangers raised for the defense of the frontiers thereof, stationed in the counties of Northampton, Bedford, Northumberland, Westmoreland and Washington:

And whereas the present state of our finances is such that [those] balances cannot be immediately discharged:

And whereas it is just and reasonable that such assurance of this state should be given as may secure to the persons concerned a prospect of payment:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That upon liquidation of the several accounts of the officers, soldiers and citizens of this state, the comptroller-general shall and he is hereby authorized and directed to grant certificates to each and every of them for the balance due to them respectively in specie which certificates

shall bear an interest of six per centum per annum from and after the first day of July, one thousand seven hundred and eighty-three, and shall be transferable in like manner as promissory notes are.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said comptroller-general be, and he is hereby authorized and empowered forthwith to prepare certificates to be printed at the expense of this state in such manner as may be needful agreeably to the principles contained in the foregoing section, and the said certificates so prepared and issued by him shall be receivable as specie in payment for the purchase money of lands either within the late Indian purchase or the new purchase when made agreeably to the regulations laid down in the act for opening the land-office.

Passed April 1, 1784. Recorded L. B. No. 2, p. 334, etc. See the Act of Assembly passed March 1, 1766, Chapter 1202.

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## CHAPTER MCI.

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### A FURTHER SUPPLEMENT TO THE LAWS RESPECTING THE WARDENS OF THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas, in and by an act of general assembly passed on the ninth day of March, in the year of our Lord one thousand seven hundred and seventy-one, entitled "An act for regulating and continuing the nightly watch, enlightening the streets and alleys in the city of Philadelphia, and for other purposes therein mentioned,"<sup>1</sup> and by two several supplements thereunto, the one passed on the sixth day of April, in the year of our Lord one thousand seven hundred and seventy-six,<sup>2</sup> and the other on the ninth day of May, in the year of our Lord one thousand seven hundred and eighty,<sup>3</sup> certain authorities were

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<sup>1</sup> See Acts of February 26, 1773, Chapter 671, and April 1, 1784, Chapter 1095.

<sup>2</sup> Passed March 9, 1771, Chapter 636.

<sup>3</sup> Passed April 6, 1776, Chapter 719.

<sup>4</sup> Passed May 30, 1780, Chapter 910.

vested in, and certain duties required from the wardens of the said city:

And whereas the said wardens labor under many difficulties in the execution of the trust committed to them. For the removal thereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That wardens of the said city for the time being respectively shall forever hereafter, in name and in fact, be one body politic and corporate in law; and that they, or the majority of them by the name of "The Wardens of the city of Philadelphia," may sue and be sued, plead and be impleaded in any courts of judicature in this commonwealth, and by that name shall have authority to purchase, take and receive any lands, tenements or hereditaments, goods and chattels, sum or sums of money for the uses in the said act and the supplements thereto mentioned, or to such other uses and purposes as may by law hereafter be directed; and may also repair, demise and to farm-let, for any term not exceeding three years, the market houses, public ferries and ferry houses, wharves, landing places, the fish house and scale house, within the said city, reserving such rents and conditions, and establishing such rates and prices, and the[y] shall deem reasonable for the toll or wharfage of such articles as are usually brought to such wharves or landing places, and restraining the tenants from taking higher rates and prices, and in all things to abide by such regulations, rates and orders, as shall by the said wardens or the majority thereof, be established; and generally, shall have authority to do and execute all and every matter and thing necessary for the due performance of the trust reposed in them.

(Section III, P. L.) Provided always nevertheless that nothing herein contained shall authorize the said wardens to demise or let any of the market houses, market places, public ferry houses, wharves, landing places, fish house, scale house or other public property within the city for any private or other use than the same were originally granted and intended for.

[Section II.] (Section IV, P. L.) And be it further enacted

by the authority aforesaid, That all lands and tenements heretofore granted, bargained and sold or conveyed to the wardens of the said city for the time being, by whatever name or names they may be distinguished in the deed or deeds conveying the same, shall be, and are hereby vested in the said wardens, to have and to hold, to them and their successors, freed and discharged from all claims and demands of the said persons named in the said deeds and their heirs and assigns, and every of them, subject to the uses, intents, trusts, dispositions and directions, for and to which the same in the said deeds or conveyances have been respectively limited and appointed.

(Section V, P. L.) Provided that nothing herein shall destroy or affect the right, title or claim, which any person may have to such lands or tenements, except that of the said persons named in the said deed or deeds, and created by or derived therefrom.

(Section VI, P. L.) And whereas, by an act of general assembly passed the twenty-first day of March, one thousand seven hundred and seventy-seven, the appointment of certain officers therein mentioned was vested in the supreme executive council, until a more permanent regulation could be made, and it is proper that the appointment and superintendence of the clerk of the market and corders of wood should now be vested in the said wardens.

[Section III.] (Section VII, P. L.) Therefore be it enacted by the authority aforesaid, That from and after the passing of this act, the said wardens, or the majority of them, shall from time to time, as they find it necessary, appoint a proper person to be clerk of the market, and a competent number of proper persons to be corders of wood in the said city, and the same at their pleasure may remove.

[Section IV.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every person so appointed a corder of wood before he enters on his said office, shall take and subscribe an oath or affirmation before some magistrate of the said city, faithfully and impartially to perform his duty and trust, to the best of his knowledge and capacity; which oath or affirmation any magistrate of the said city is hereby au-

thorized and directed to administer. And if any one or more of the said corders, during his or their continuance in office, or any carter or other person, shall be in any manner concerned in buying any fire wood brought or coming to the said city, or to the Northern Liberties, or district of Southwark, for sale, with intention to sell the same or any part thereof he shall forfeit and pay the sum of five pounds for every such offense, one-half to the informer, the other half to the treasurer of the said wardens, for the uses and purposes in the said act mentioned, to be recovered before any magistrate of the city or county where the offense may be committed in the same manner that debts under five pounds usually are recovered.

(Section IX, P. L.) And whereas the inhabitants of the said city labour under many inconveniences, by reason of the practices made use of to enhance the price of fire wood:

For remedy whereof:

[Section V.] Be it enacted by the authority aforesaid, That if any fire-wood landed or placed on any of the said public wharves, quays or landing places, in the said city or in the township of the Northern Liberties or district of Southwark shall from and after the first day of May next, be suffered to lie and remain thereon for the space of forty-eight hours, the same, if within the said city, shall be seized by the said wardens, or any one or more of them, and if in said township or district, by one or more of the overseers of the poor of the said township or district respectively, and shall be sold at public vendue, for the highest price that can be got for the same; and after the reasonable costs and charges attending the sale are deducted and retained, the moneys arising therefrom shall be paid to the owner or owners of such wood. And if the purchaser or purchasers of the wood so seized and sold or any part thereof, shall suffer the same to lie and remain on the said wharves, quays or landing places, for the space of twenty-four hours after such sale, the same shall be forfeited to the overseers of the poor of the said city, township or district respectively where the offense shall happen, for the use of the said poor, and be liable to be seized and removed by the said overseers, or any one or more of them.

(Section X, P. L.) Provided always, That no such sale shall be made, except in the day time, between the hours of ten in the forenoon and four in the afternoon, nor until public notice of such sale be given at or near the place where the same wood shall be sold for at least two hours before such sale shall begin.

[Section VI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That no ship or vessel whatever, except those which shall ply in the river Delaware and bring fire wood, hay, coal, stone, sand and every other article of lumber or provisions to market shall be hauled to or suffered to lie at any of the said public wharves, quays or landing places, for the space of one hour, under the penalty of five pounds, unless compelled thereunto by stress of weather, to be recovered from the master, commander, or other person having charge of such ship or vessel, in the manner mentioned in the seventh section of this act, and applied as therein directed. And if any master, commander or other person having charge of such ship or vessel, shall, after notice given to him to remove such ship or vessel from such wharves or landing places, by any two of the wardens of the said city, neglect so to do for the space of twenty-four hours after the cause which shall have forced the said ship or vessel thither shall have ceased, he shall forfeit and pay the sum of one hundred pounds, half to him that will sue for the same, and the other half to the wardens of the said city, for the purposes specified in the above [mentioned] act, to be recovered by action of debt in any court of record in this commonwealth.

[Section VII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, the said wardens, and no other person or persons whatsoever, shall have authority to appoint a proper person to be constable of the night, and the same at their pleasure to remove.

[Section VIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if any action shall be brought against any one or more of the said wardens, overseers of the poor, or other person, for anything done by virtue and in pursuance of this act, he or they may plead the general issue,

and give this act and any special matter in evidence; and if the plaintiff shall fail in his action, discontinue the same, or become non-suit he shall pay double costs.

[Section IX.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That so much of the aforesaid act of assembly, passed on the twenty-first day of March, in the year of our Lord one thousand seven hundred and seventy-seven, as is hereby altered or supplied, shall be, and hereby is declared to be repealed, made null and void.

(Section XV, P. L.) Whereas by an act of the late province now state of Pennsylvania passed the twenty-ninth day of September, one thousand seven hundred and seventy the then mayor and recorder or either of them and the aldermen of the city of Philadelphia with the wardens of the said city were empowered to fix within the city of Philadelphia the rates of wagoners, carters, draymen and porters from time to time and regulate the same.

(Section XVI, P. L.) And whereas by the late glorious revolution the powers above mentioned became extinct by which means very great impositions have taken place:

For remedy whereof:

(Section XVII, P. L.) [sic] [Section X.] Be it further enacted by the authority aforesaid, That from and after the passing of this act the wardens of the city of Philadelphia together with any two justices of [the] peace of the said city, shall and they or a majority of them are hereby empowered and required to fix and regulate from time to time the rates of all wagoners, carters, draymen, porters and wood sawyers as fully and amply as the said mayor, recorder, aldermen and wardens could or might have done before the said revolution.

[Section XI.] (Section XVII, P. L.) Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall be deemed or taken as a edclaration of the right of the wardens aforesaid to the ferry house and ferry on Schuylkill commonly called and known by the name of the corporation ferry, but that the right thereto shall be and remain in the wardens aforesaid until it shall be determined otherwise by this or any future house of assembly.

Passed April 1, 1784. Recorded L. B. No. 2, p. 335, etc. See the Acts of Assembly passed February 26, 1773, Chapter 671; April 1, 1784, Chapter 1095.

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## CHAPTER MCII.

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### AN ACT INCORPORATING THE UNITED PRESBYTERIAN CHURCH IN LOWER PAXTON, LANCASTER COUNTY.

(Section I, P. L.) Whereas the minister, elders and others, members of the United Presbyterian Church in Lower Paxton, in the county of Lancaster, by their petition, have prayed that their said church may be incorporated and by law enabled as a body corporate and politic, to receive and hold such charitable donations and bequests as may from time to time be made to their society, and vested with such powers and privileges as are enjoyed by the other religious societies who are incorporated in this state:

(Section II, P. L.) And whereas it is just and right and also agreeable to the true spirit of the constitution, that the prayer of their said petition be granted:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That Jacob Awl, John Cavet, Samuel Cochran, Joshua Elder, John Foster, John Gilchrist, John Harris, William Kerr, Thomas McArthur, Junior, Alexander McClure, John Wiggins, John Wilson and the Reverend John Elder, pastor of the church aforesaid, and their successors duly elected and appointed, in such manner and form as herein after is directed, be and they are hereby made and constituted a corporation and body politic in law and in fact, to have continuance forever by the name, style and title of the "The Trustees of the United Presbyterian church in Lower Paxton, in the county of Lancaster."

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name, style and title aforesaid shall forever hereafter be able and capable in law, as well to take, receive and hold, all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the said United Presbyterian Church in Lower Paxton in the county aforesaid, or to the religious congregation worshiping therein, now under the pastoral charge and care of the Reverend John Elder, or to any other person or persons to their use, or in trust for them, and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments, are hereby vested and established in the said corporation and their successors, forever according to their original use and intention, and the said corporation and their successors, are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises or other conveyances thereof is or are declared, limited or expressed, as also that the said corporation and their successors aforesaid at all times hereafter, shall be capable and able to purchase, have, receive, take, hold and enjoy in fee simple, or of any other less estate or estates, any lands, tenements, rents, annuities, liberties, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic or corporate, capable and able to make the same; and further that the said corporation may take and receive any sum or sums of money and any manner or portion of goods and chattels, that shall be given or bequeathed to them by any person or persons, bodies politic or corporate, capable to make a gift or bequest thereof: Such money, goods and chattels to be laid out by them in a purchase or purchases of lands, tenements, messuages, houses, rents, annuities or hereditaments, to them and their successors forever, or the moneys lent on interest, or otherwise disposed of according to the intention of the doners.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the rents, profits and interest of the said real and personal estate of the said church and corporation shall by the said trustees and their successors from time to time be applied for the maintenance and support of the postor or pastors of the said church, for salaries to their clerk and sexton, in the maintenance and support of a school and in repairing and maintaining their lot and house of public worship, burial ground, parsonage house or houses, school house or houses, and other tenements which now do, or hereafter shall belong to the said church and corporation.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if hereafter the building for public worship, or any other tenement belonging to the said church and corporation, shall be burnt, endamaged, or otherwise rendered unfit for use, or if hereafter the said house of public worship shall appear too small to accommodate the congregation, whereby it shall [become] necessary, to rebuild or repair the same, that then and in such case it may be lawful for the said corporation and their successors to make sale or otherwise dispose of any part or parcel of the said real or personal estate, other than the site of the house of public worship, burial ground or burial grounds, parsonage house or houses, school house or houses for the purposes aforesaid and not otherwise.

[Section V.] (Section VII, P. L.) Provided always, and be it further enacted by the authority aforesaid, That in the disposal and application of the public moneys of the said corporation, or in the making sale or disposition of any part or parcel of the real or personal estate of the said corporation for any of the purposes aforesaid, the consent and concurrence of the major part of the regular members of the said church qualified as hereinafter is directed, shall be had and obtained; and the votes hereinafter directed to be taken, shall be by ballot; and also that the said trustees in like manner qualified, shall be admitted to vote therein as members of the said church.

(Section VIII, P. L.) Provided nevertheless, That no deed or other conveyance made by the said trustees or their successors, bona fide and for valuable consideration, for any part of the

real estate of the said corporation, in case the possession thereof immediately pass to the purchaser, and continue in him, his heirs and assigns, shall be invalidated or called in question for want of the consent and concurrence aforesaid, or for want of conformity to this act, unless the same be done within seven years from and after the sale and delivery of the possession of such real estate to the purchaser and purchasers thereof.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors, shall not by deed, fine, or recovery, or by any other ways or means, grant, alien or otherwise dispose of any manors, messuages, lands, tenements or hereditaments, in them or their successors vested, or hereafter to be vested, nor charge nor encumber the same, to any person or persons whatsoever, except as herein before is excepted.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors, or a majority of any five of them met, from time to time, after public notice given, the preceding Lord's day, commonly called Sunday, from the desk or pulpit of the said church immediately after divine service, before the congregation are dismissed, or after regular notice in writing left at the house of each trustee, and the particular business having been mentioned at least one meeting before, be authorized and empowered, and they are hereby authorized and empowered, to make rules, by-laws and ordinances, and to do everything needful for the good government and support of the secular affairs of the said church.

(Section XI, P. L.) Provided always, That the said by-laws, rules and ordinances, or any of them, be not repugnant to the laws of this commonwealth, and that all their proceedings be fairly and regularly entered into a church book, to be kept for that purpose; and also that the said trustees and their successors, by plurality of votes of any five or more of them met as aforesaid, after such notice as aforesaid, be authorized and empowered and they are hereby authorized and empowered, to elect and appoint from among themselves, a president and also to elect and appoint from among themselves or others, treasurer and secretary, and the same president, treasurer and secretary,

or any of them, at their pleasure to remove, change, alter or continue, as to them or a majority of any five or more of them, so met as aforesaid, from time to time, shall seem to be most for the benefit of the said church and corporation.

[Section VIII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation, and their successors, shall have full power and authority to make, have and use one common seal, with such device and inscription as they shall think proper, and the same to break, alter and renew at their pleasure.

[Section IX.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation, and their successors, by the name of the trustees of the Presbyterian church, in Lower Paxton, in the county of Lancaster, shall be able and capable, in law, to sue or be sued, plead and be impleaded, in any court, or courts, before any judge or judges, justice or justices, in all and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever kind, nature or form they may be, and all and every matter and thing therein, to do in as full and effectual a manner as any other person or persons, bodies politic or corporate, within this commonwealth may or can do.

[Section X.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall always consist of twelve members called and known by the name of "The Trustees of the Presbyterian Church in Lower Paxton," and the said members shall at all times hereafter be chosen by way of ballot, by a majority of such members met together, of the said church or congregation, as shall have been enrolled in the aforesaid book, as stated worshippers with the said church, for not less than the space of one year, and shall have paid one year's pew rent, or other annual sum of money, not less than ten shillings, for the support of the said pastor or pastors, or other officers of the said church their lot and house of public worship, and other lots and tenements belonging to the said church and corporation, and towards the other necessary expenses of the said church, and shall not at the time of voting be more than one year behind or in arrears for the same.

(Section XV, P. L.) Provided always, That the pastor or pastors of the said church, for the time being, shall be entitled to vote equally with any member of the said church or corporation.

(Section XVI, P. L.) And provided also, That all and every person or persons, qualified as aforesaid to vote and elect, shall and may be capable and able to be elected a trustee aforesaid, except in case of the said church having two pastors, one of them only to be eligible at the same time.

[Section XI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said Jacob Awl, John Cavet, Samuel Cochran, Joshua Elder, John Forster, John Gilchrist, John Harris, William Kerr, Thomas McArthur, Junior, Alexander McClure, John Wiggins, John Wilson and the Reverend John Elder the first and present trustees, hereby incorporated, shall be and continue trustees aforesaid until they shall be removed in manner following: That is to say, one third part in number of the trustees aforesaid, being the third part herein first named and appointed, shall cease and discontinue and their appointment determine on the Monday next after the first Lord's day, commonly called Sunday in May, which will be in the year of our Lord one thousand seven hundred and eighty-four; upon which day a new election shall be had and held of so many others in their stead and place, by a majority of the persons met and qualified agreeable, to the purport true intent and meaning of this act, to vote and elect as aforesaid; and on the Monday next after the first Lord's day commonly called Sunday in May in the year following, the second third part in number of the trustees herein named shall in like manner cease and discontinue, and their appointment determine, and a new election to be had and held of so many in their place and stead, in like manner; and on the Monday next after the first Lord's day commonly called Sunday in May, in the year then next following, the last third part in number of the said trustees, shall in like manner cease and discontinue, and their appointment determine and a new election be had and held in like manner as herein before is directed; and that in the same manner, and by the like mode or rotation one third part in num-

ber of the said trustees shall cease, discontinue and their appointment determine, and a new election of the said third part he had and held in manner aforesaid, on the Monday next after the first Lord's day commonly called Sunday in the month of May, in every year forever; so that no person or persons, shall be or continue a trustee or trustees of the said church for any longer time than three years together unless he be re-elected.

(Section XVIII, P. L.) Provided always, That the persons belonging to the said church, who are in and by this act authorized and empowered to elect, shall and may be at liberty to re-elect any one or more of the trustees whose times shall have expired on the day of the said annual election, whenever and so often as they shall think fit.

(Section XIX, P. L.) Provided also, That whenever any vacancy shall happen by the death, refusal to serve, or removal of any one or more of the trustees aforesaid, pursuant to the directions of this act, an election shall be had of some fit person or persons, in his or their place and stead so dying, refusing or removing, as soon as conveniently can be done; and that the person or persons so elected shall be, remain and continue as a trustee or trustees aforesaid, so long without a new election, as the person or persons in whose place and stead he or they shall have been so elected as aforesaid, would or might have remained and continued, and no longer. And that in all cases of a vacancy happening by the means in this act last mentioned, the remaining trustees shall be empowered to call a meeting of the electors for supplying the said vacancy such meeting to be notified and published, in like manner as herein before is directed and appointed for notifying and publishing the meeting of the trustees.

[Section XII.] (Section XX, P. L.) Provided always and it is hereby enacted by the authority aforesaid, That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities or other hereditaments, and real estate of the said corporation, shall not exceed the sum of five hundred pounds, lawful money of the state of Pennsylvania, to be taken and esteemed exclusive of the moneys arising from the letting of the pews, and the contributions belonging to the said church

and also exclusive of the moneys arising from the opening of the ground or burials which said money shall be received by the said trustees and disposed of by them in the manner hereinbefore described, pursuant to the vote or votes of the members of the said church, duly qualified to vote and elect as aforesaid.

Passed April 1, 1784. Recorded L. B. No. 2, p. 340, etc.

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## CHAPTER MCIII.

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AN ACT TO VEST IN ISAAC AUSTIN A CERTAIN MESSUAGE, WHARF, FERRY AND FERRY LANDING, SITUATED ON THE NORTHEASTERN SIDE OF MULBERRY STREET, AT THE EASTERNMOST EXTREMITY THEREOF, IN THE CITY OF PHILADELPHIA, LATE THE PROPERTY OF WILLIAM AUSTIN, ATTainted OF HIGH TREASON.

(Section I, P. L.) Whereas Isaac Austin of the city of Philadelphia, gentleman, hath by his petition to the last house of assembly stated, that his brother William Austin, late of the same city was attainted of high treason in consequence of an act of assembly of this commonwealth, that the estate of the said William Austin was forfeited by such his attainder, that his said estate was sold by the agents for forfeited estates on the twenty-eighth day of August, one thousand seven hundred and eighty, for eighty thousand pounds, that the said Isaac Austin was the highest bidder thereat, that he had exhibited a claim in the supreme court against the said William Austin, and that the same court allowed the same to the amount of four hundred and twenty-six pounds thirteen shillings and ten pence half penny specie, that the committee of grievances in their report in a former assembly, "Resolved that they had examined the accounts of Isaac Austin and had heard all the evidence he had relating thereto, and were of opinion that his accounts ought to be allowed, and on his paying to the honorable the supreme executive council the balance of purchase money, that they be requested to confirm the estate prayed for, in the said Isaac Austin, that the said Isaac Austin had petitioned the su-

preme executive council of this commonwealth to allow him the same sum of four hundred and twenty-six pounds thirteen shillings and ten pence half penny, out of the purchase money aforesaid, that the same council refused to comply with the same requisitions, that in February, one thousand seven hundred and eighty-three, a committee of the assembly reported in favor of the said Isaac on the same principles with the committee of grievances, aforesaid, that the supreme executive council ordered another sale of the same estate, that the said Isaac became the highest bidder thereat, that the council still persisted in disallowing a deed to the same Isaac he still offering to pay the balance aforesaid, that a committee of the present house of assembly have reported that after a due investigation of the facts set forth in the petition of Isaac Austin, they are of opinion, with the committees aforesaid of different houses of assembly, that the claims of the petitioner are just and well founded and therefore submitted the following resolution which was unanimously adopted, viz: "That Isaac Austin have leave to bring in a bill to vest in him the estate he petitions for, on paying the balance due to the state agreeable to the first sale."

(Section II, P. L.) And whereas the facts set forth in the above petition are true:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all the estate, right and title of the said William Austin whereof he stood seized and possessed in a certain mansion house, wharf, ferry and ferry landing with the different stores, outhouses and other buildings and appurtenances thereunto severally belonging and appertaining, situated, lying and being in the city of Philadelphia on the north side of Mulberry or Arch street, at the easternmost extremity thereof, commonly known and called by the name of Austin's ferry house and ferry, be and they are hereby vested, granted, confirmed and established in Isaac Austin, his heirs and assigns forever, he paying into the treasury of this state the sum of seven hundred and sixteen pounds three shil-

lings and three pence one farthing being the balance due to the state after deducting from the purchase money at the first sale the said sum of four hundred and twenty-six pounds thirteen shillings and ten pence half-penny.

[Section II.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That the high sheriff of the city and county of Philadelphia, be and he is hereby enjoined, commanded, authorized and required to deliver unto the said Isaac Austin the peaceable and quiet possession of the premises aforesaid.

[Section III.] (Section V, P. L.) Provided always, and it is enacted by the authority aforesaid, That the said premises and every part and parcel of them shall be liable to the discharge of all the just debts and dues of all and every person or persons who have exhibited the same agreeable to law before the justices of the supreme court of this commonwealth, and which claims shall have been by them allowed.

Passed August 6, 1784. Recorded L. B. No. 2, p. 346, etc. Repealed by the Act of Assembly passed February 18, 1785, Chapter 1134.

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## CHAPTER MCIV.

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### AN ACT FOR FURNISHING FROM THE MILITIA OF PENNSYLVANIA THE QUOTA OF TROOPS REQUIRED BY CONGRESS FOR THE PROTECTION OF THE NORTHWESTERN FRONTIERS AND FOR OTHER PURPOSES.

(Section I, P. L.) Whereas the United States in congress assembled by their act of the third day of June last have declared that a body of troops to consist of seven hundred non-commissioned officers and privates properly officered are immediately and indispensably necessary for taking possession of the western posts as soon as evacuated by the troops of his Britannic Majesty for the protection of the northwestern frontiers and for guarding the public stores; and have recommended that this state do forthwith furnish from the militia thereof two hundred and sixty of the said seven hundred men besides com-

missioned and staff officers, to serve for twelve months unless sooner discharged, and to be subject to all the rules and regulations formed for the government of the late army of the United States, or such rules and regulations as may be formed by congress or a committee of the states:

(Section II, P. L.) And whereas the legislature of this commonwealth disposed at all times to promote the interests and to facilitate the measures of the United States are desirous that the said recommendation should be complied within the most speedy and effectual manner:

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That there be forthwith raised and levied by voluntary enlistment in this state two hundred and sixty able bodied men to be arranged as non-commissioned officers and private soldiers in the service of the United States.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the supreme executive council shall settle the necessary arrangement with the secretary [in] the war office respecting the number of officers to be furnished by this state and appoint and commissionate them accordingly.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said officers and men shall severally and respectively when embodied, be, and they are hereby declared to be liable and subject to all the rules and regulations formed for the government of the late army of the United States and to such rules and regulations as congress or a committee of the states shall from time to time form and direct to be used, and so shall continue for and during the term of one year from the time of their being embodied, unless sooner discharged by authority of the United States.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the pay, rations and subsistence of the said officers and men shall be the same as have been heretofore allowed to the troops of the United States; and that each officer and soldier shall receive one months' pay after the said troops are embodied and before they march.

[Section V.] (Section VII, P. L.) Provided nevertheless that all such pay, rations, subsistence and other expenses of raising supporting and maintaining the said troops be furnished and provided for by the United States.

Passed August 11, 1784. Recorded L. B. No. 2, p. 351, etc.

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## CHAPTER MCV.

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### AN ACT TO VACATE AND ABOLISH A PART OF A ROAD LEADING FROM THE LINE OF THE YORKTOWN LANDS TO THE NEWBERRY ROAD, IN MANCHESTER TOWNSHIP, YORK COUNTY.

(Section I, P. L.) Whereas it hath been represented to this house by the petition of a number of the inhabitants of York county, that in April, one thousand seven hundred and sixty-eight, a public road was laid out, beginning at a stone in a run near Robert Jones' land in Manchester township, in the said county, and running from thence along the Newberry road south thirty-five degrees west twenty-two perches, and south eight degrees west thirty-two perches to (one perch from) a walnut, nearly opposite a wild cherry tree, thence through the improved lands of James Wright, and the heirs of John Wright, deceased, south forty degrees and a quarter of a degree east forty-six perches to Codorus creek, thence south forty degrees east through the improved lands of John Hay forty-seven perches to the north end of George street in the town of York:

And whereas the said petitioners have further represented that another road hath been laid out and confirmed in January last, beginning at the north end of George street aforesaid, and running north twenty degrees west one hundred and twenty perches to the aforesaid Newberry road, at the run, the beginning of the first above mentioned road, by reason whereof the two last courses of said road are rendered useless and unnecessary:

And whereas the continuing of roads when of no public utility, is not only injurious to the owners of lands where the

same happens, but tends to [increase] the expenses of highways.

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, the first mentioned road, on the two last courses thereof, (to-wit) from the place where the same intersects the Newberry road to the north end of George street, in the town of York aforesaid, and against the continuation of which the inhabitants aforesaid have petitioned to this house of assembly, be and the same is hereby declared to be discontinued and abolished.

Passed September 1, 1784. Recorded L. B. No. 2, p. 353, etc.

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## CHAPTER MCVI.

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A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR CONTINUING THE ARCH OVER THE PUBLIC COMMON SEWER OF THE CITY OF PHILADELPHIA THROUGH THE MIDDLE OF THE DOCK, AND COVERING THE SAME WITH EARTH FROM WALNUT STREET TO THE FOOT BRIDGE AND FOR RAISING A FUND FOR DEFRAYING THE EXPENSES THEREOF, AND FOR OTHER PURPOSES."<sup>1</sup>

(Section I, P. L.) Whereas in and by the said act passed the thirtieth day of March last, it was enacted that the commissioners for paving the streets of the city of Philadelphia, should, and they were thereby authorized and required with all convenient expedition, to employ the necessary laborers, workmen and artificers, and to provide all requisite materials, and to cause a good substantial arch of brick, founded on strong stone walls, and floored with plank or logs, at least five inches thick, to be erected and turned along the middle, or near the middle of the dock, which arch should be at least nine feet wide, and of an height sufficient to give vent to the waters, and should

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<sup>1</sup> Passed March 30, 1784, Chapter 1091.

begin at the end of the present common sewer at Walnut street, and be extended southeastward to the main branch of the dock, adjoining the public landing, and should cause the earth over the same to be levelled, so as to form a public street or highway, which should forever thereafter be and remain open for the public use, and should be called and known by the name of Dock street:

(Section II, P. L.) And whereas the said commissioners in obedience to the requisitions of the said act, have prosecuted the said work, and the same is now in great forwardness, so that they are nearly ready to lay the foundation of the southeastern extremity of the said arch, but doubts have arisen how far the same was, by the said act, intended to extend:

(Section III, P. L.) And whereas it appears to this house, by the report of a committee appointed for that purpose, that "The said arch ought to be continued a few feet further than was directed by the said act, in order to deliver the water properly into the dock, and give it a direction toward the river, more parallel with the water course of the other arch, with which it is there to form a junction:"

(Section IV, P. L.) Now therefore as well as to answer the purposes herein before recited as to continue the said Dock street southward, so as to open a communication through the same with the southern parts of the city, which would otherwise be in a great degree prevented:

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said commissioners shall, and they are hereby authorized and required to extend and continue the said arch southward as far as the middle of the main branch of the Dock and eastward so far as to strike a continuation of the eastward-most line of Dock street, and also to continue and extend the arch leading from the southwestern parts of the city, from its present mouth eastward, so as to form a proper junction with the other arch, and to erect a wall in a direct line with the east side of Dock street across the main branch of the dock, and to fill up and level the earth so as to form and continue the said

Dock street southward to the public ground on the south side of the said main branch of the Dock.

[Section II.] (Section V, P. L.) Provided always nevertheless, That nothing in this act contained shall extend or be construed to extend to authorize the said commissioners to raise, levy or collect any greater or further sum for all and every the purposes in the said recited act to which this is a supplement mentioned, than in and by the said recited act is provided, nor to expend or appropriate more of the said moneys so provided for and directed to be raised, than the sum of three thousand five hundred pounds, for or concerning the opening and extending the said Dock street and completing the said arches as herein before mentioned, described and directed.

Passed September 1, 1784. Recorded L. B. No. 2, p. 357, etc.

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## CHAPTER MCVII.

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### AN ACT FOR ERECTING THE SOUTHWESTERN PART OF THE COUNTY OF CUMBERLAND INTO A NEW COUNTY.

(Section I, P. L.) Whereas many of the inhabitants of the southwestern parts of the county of Cumberland have by their petition to the general assembly of this state represented the inconveniences and hardships which they suffer by the large extent of the said county of Cumberland, and the great distance at which the said petitioners dwell from the town of Carlisle, where the courts of justice and the public offices of the same county are held and kept; and that by reason of such remoteness of the said courts and offices, the recovery of their just debts and demands is rendered difficult and chargeable, and in some cases is unequal to the pains and costs which they would be put to in prosecuting and suing for them; and that felons, misdoers and other offenders from the same causes, often escape the punishment due to their demerits:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and singular the lands lying and being within that part of Cumberland county, which are bounded as followeth: That is to say, beginning on the York county line in the South mountain, at the intersection of the line between Lurgan and Hopewell townships, in Cumberland county, thence by the line of Lurgan township (leaving Shippensburg to the eastward of the same) to the line of Fannet township, thence by the line of the last mentioned township (including the same) to the line of Bedford county, thence by the line of Bedford county southwardly to the Maryland line, thence by the said line east to the line of York county, thence by the line of York county along the South Mountain to the place of beginning, be, and hereby are enacted into a county named, and hereafter to be called the county of Franklin.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said county of Franklin is entitled to, and shall at all times hereafter have all [and singular] the courts, jurisdictions, offices, rights and privileges to which the counties of this state are entitled by the constitution and laws thereof.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That courts of common pleas and general quarter sessions of the peace to be holden in and for the said county of Franklin shall be opened on the Tuesday preceding the Tuesday on which the court of Fayette is held each and every term yearly and every year hereafter, and that the said court of quarter sessions shall sit three days at each sessions and no longer and shall be held at the town of Chambersburg, in the county of Franklin, until a court house shall be built and erected as hereafter directed, in the county aforesaid; the said several courts shall then be holden and kept at the said court house on the days before mentioned.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the justices of the peace for the said county of Franklin shall be elected from time to time by

the freeholders of the same, within the several districts thereof as heretofore; and that such of the justices of the peace of the county of Cumberland who shall have been commissioned on the choice of those districts of the present county of Cumberland, which will hereafter be within the said county of Franklin, shall be considered as, and shall be justices of the peace for the said county of Franklin, until the expiration of their several terms for which they were respectively appointed.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That no suit or prosecution which hath been heretofore commenced, or which shall be commenced in the courts of the county of Cumberland, before the courts of the said county of Franklin shall be severally opened, shall be delayed, discontinued, or affected by this act, but the same shall proceed to judgment and execution shall be issued and done of all such judgments by the sheriff and coroner of Cumberland county as if this act had not been made.

[Section VI] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all taxes and arrears of taxes laid or directed to be laid, or which have become due within the said county of Franklin before the passing of this act, shall be laid, assessed, levied and collected in like manner as if this act had not been passed; and the collector of excise for the county of Cumberland shall have authority in like manner to demand, recover and collect within the said county of Franklin, all sums of money which have or shall become due to this commonwealth for excise on or before the second Tuesday in October next, and all sums of money due to this commonwealth for militia fines within said county of Franklin, shall be collected and recovered as if this act had not been made.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the sheriffs, treasurers, prothonotaries, collectors of excise and all such officers as have heretofore usually given surety for the faithful discharge of their respective offices, who shall hereafter be appointed or elected in the said county of Franklin before they or any of them shall enter upon the execution of their respective offices, shall give sufficient security in the same sums; in the same manner

and form, and for the same uses, trusts and purposes as such officers are obliged by law for the time being to do in the county of Cumberland.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That at the first general election to be holden for the said county of Franklin at Chambersburg on the second Tuesday of October next, there shall be chosen three representatives to serve them in the general assembly, one counsellor, two fit persons for sheriffs, and two fit persons for coroners, and three commissioners, in the same manner and under the same rules, regulations and penalties, as by the constitution and laws of this state are directed in respect to the other counties; and the said representatives, counsellor and other officers, when chosen and duly qualified, shall have and enjoy all and singular such powers, authorities and privileges, in and for their county, as such officers elected in and for any other county may, can or ought to have.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said county of Franklin shall elect three members, and the county of Cumberland shall elect four members to represent them respectively in the general assembly of this commonwealth, from and after the passing of this act until the same shall be altered, agreeably to the constitution and laws of this state.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That James Maxwell, James McCalmont, Josiah Crawford, David Stoner and John Johnson, are hereby appointed trustees for the said county of Franklin; and they or any three of them shall take assurances of and for two lots of ground in the town of Chambersburg or Chamberstown, in the township of Guilford, within the said county of Franklin for the seats of a court-house and of a county gaol or prison for the said county in the name of the commonwealth, in trust and for the use and benefit of the said county of Franklin, and thereupon to erect a court-house and prison sufficient to accommodate the public service of the said county.

[Section XI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the commissioners shall lay,

assess and levy sufficient sums of money within the said county, as county rates and levies are raised and levied to pay for the same lots and for the building and finishing the said court-house and gaol, provided the sums so to be laid and levied for the purposes aforesaid exceed not the sum of one thousand two hundred pounds, and the money so raised as aforesaid shall be put into the hands of the trustees for the aforesaid purposes, and the said trustees shall from time to time render a faithful account of the expenditures of the same, not only to the commissioners, but to the grand jury and any other officer, who may be appointed by authority for the inspection of the accounts of the county, when called on by either of them.

(Section XIII, P. L.) Whereas it is but just and reasonable that Franklin county should have their full proportion or share of what money is raised for Cumberland county for county uses, after all just demands against said county of Cumberland, before passing this act, are paid:

Therefore:

[Section XII.] (Section XIV, P. L.) Be it enacted by the authority aforesaid, That the commissioners of Cumberland county shall ascertain all the just debts due by said county (before passing this act) and deliver a certified copy of all such debts to the trustees of Franklin county within three months after this present time and if the taxes assessed and laid in Cumberland county before passing this act, for county uses, shall be more than sufficient to pay all the just debts of said county, when the said taxes shall be collected and paid to the treasurer of Cumberland county, he the said treasurer shall pay unto the trustees of Franklin county their full proportion or part of such overplus money agreeably to the taxes the said two counties have respectively paid; the same to be ascertained by the commissioners of Cumberland county.

Passed September 9, 1784. Recorded L. B. No. 2, p. 365, etc. See the Act of Assembly passed March 27, 1790, Chapter 1496.

CHAPTER MCVIII.

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AN ACT FOR ERECTING PART OF THE COUNTY OF PHILADELPHIA  
INTO A SEPARATE COUNTY.

(Section I, P. L.) Whereas a great number of the inhabitants of the county of Philadelphia, by their petition have humbly represented to the assembly of this state, the great inconvenience they labor under by reason of their distance from the seat of judicature in the said county:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That all and singular the lands lying within that part of Philadelphia county, bounded as herein after described, beginning on the line of Byberry township, and the township of the Manor of Moreland, where it intersects the line of Bucks county, thence westward along the northern lines of Byberry, Lower Dublin and Oxford townships, to the line dividing the townships of Cheltenham and Bristol and thence along the said line dividing Germantown township from the township of Springfield, and thence along the said line to the line dividing the township of Springfield aforesaid from the township of Roxbury to the river Schuylkill, thence down the said river to the line dividing the townships of Blockley and lower Merrion, and thence by the said line to the line of the county of Chester, thence by the line of Chester county to the line of Berks county, thence by the line of Berks county to the line of Northampton county, thence by part of the line of Northampton county and the line of Bucks county, thence along the said line of Bucks county to the place of beginning, be and hereby are erected into a county, named and hereafter to be called Montgomery county.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Montgomery shall at all times hereafter have and enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever, which the inhabitants of any other county in this state do, may or ought to enjoy, by any charter of privileges, or the laws of this state, or by any other ways and means whatsoever.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of each township or district within the said county, qualified by law to elect, shall meet at some convenient place within their respective townships or districts at the same time the inhabitants of the several townships of the other counties within this state shall meet for like purposes, and choose inspectors, and at the time appointed by law the freemen of said county of Montgomery shall meet at the house of Hannah Thomson, innkeeper in the township of Norriton and there elect representatives, (and the freemen of the county of Philadelphia shall meet at the state-house in the city of Philadelphia and there elect representatives,) to serve them in the assembly, one counsellor, two fit persons for sheriffs, two fit persons for coroners, and three commissioners, in the same manner and under the same rules, regulations and penalties as by the constitution and laws of this state are directed in respect to other countries, which representatives so chosen shall be members of the general assembly of the commonwealth of Pennsylvania, and shall sit and act as such as fully and as freely as any of the other representatives of this state do, may, can or ought to do, and the said counsellor when so chosen, shall sit and act, as fully and as freely as any of the other members of the supreme executive council of this state do, may, can or ought to do.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the county of Montgomery shall, until otherwise altered by the legislature of the state, be represented in the general assembly by four members and the county of Philadelphia shall be represented in the general assembly by five members.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all taxes already laid within the bounds of the county of Montgomery by virtue of any act of general assembly of this state, which are not already paid, shall be collected by the respective collectors within the bounds aforesaid, and paid into the hands of the treasurer of Philadelphia county, and that all persons concerned in the levying, receiving and paying the said taxes, shall have the same power and authority, and be under the same penalties and restrictions for collecting and paying the same, as by the said acts, by which the said taxes were assessed, are expressed and directed, until the whole be collected and paid as aforesaid.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court of this state shall have like powers, jurisdictions and authorities within the said county of Montgomery as by law they are vested with and entitled unto in the other counties within this state, and are hereby authorized and empowered from time to time, to deliver the gaol of the said county of capital or other offenders, in like manner as they are authorized to do in other counties of this state.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the freeholders of each township or district in the county aforesaid, are hereby authorized and required, as often as may be necessary hereafter, to meet at some proper and convenient place within the said townships or districts, and elect fit persons for justices of the peace for each township or district, agreeably to the constitution and laws of this state, for that purpose respecting other counties.

(Section IX, P. L.) Provided always, That the justices of the peace, and the judges of the pleas commissioned at the time of passing this act or that may be hereafter commissioned conformably to the constitution, and residing within the county of Montgomery, or any three of them, shall and may hold courts of general quarter sessions of the peace, and general gaol delivery, and county courts for holding of pleas, and shall have all and singular the powers, rights, jurisdictions and authorities to all intents and purposes as other the justices of the courts of

general quarter sessions. and the justices of the county courts for holding of pleas in the other counties, may, can or ought to have in their respective counties; which said courts shall sit and be held for the said county of Montgomery on the third day of the week commonly called Tuesday next after the courts held for the county of Northampton in every of the months called March, June, September and December, in every year, at some proper place within the said county until a court-house be built; and when the same is built and erected in the county aforesaid, the said several courts shall then be holden and kept at the said court-house, on the days before mentioned.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Henry Pawling, Junior, Jonathan Roberts, George Smith, Robert Shannon and Henry Cunnard of Whitpain township, all of the aforesaid county, yeomen, or any three of them, to purchase and take assurance to them and their heirs in the name of the commonwealth, of a piece of land, situated in some convenient place in the neighborhood of Stony run, contiguous to the river Schuylkill in Norriton township, in trust, and for the use of the inhabitants of the said county, and thereon to erect and build a court-house and prison, sufficient to accommodate the public service of the said county.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That such a part of the money as shall arise from the sale of the old prison and the work house and lot of ground thereunto belonging in the city of Philadelphia, as directed by an act of the general assembly of this commonwealth, to be sold for the use of the city and county aforesaid, be apportioned for the defraying the charges of purchasing the land, building and erecting the court-house and prison aforesaid, in the ratio or proportion of taxes as paid between the said county of Montgomery and the county of Philadelphia and this city; but in case the same should not be sufficient, it shall and may be lawful to and for the commissioners and assessors of the said county, or a majority of them, to assess and levy and they are hereby required to assess and levy, in the same manner as is directed by the act for raising county rates and

levies, so much money as the said trustees, or any three of them, shall judge necessary for purchasing the said land, and finishing the said court-house and prison.

(Section XII, P. L.) Provided always, That the sum of money so to be raised does not exceed three thousand pounds current money of this state.

[Section X.] (Section XIII, P. L.) Provided also, and be it further enacted by the authority aforesaid, That no action or suit now commenced or depending in the county of Philadelphia, against any person living within the bounds of the said county of Montgomery shall be stayed or discontinued, but that the same action or actions already commenced or depending may be prosecuted, and judgment thereupon rendered, as if this act had not been made: And that it shall and may be lawful for the justices of the county of Philadelphia to issue any judicial process to be directed to the sheriff or coroner of Philadelphia county for carrying on and obtaining the effect of the aforesaid suits: which sheriff and coroner shall and are hereby obliged to yield obedience in executing the said writs, and make due return thereof before the justices of the said court for the said county of Philadelphia, as if the parties were living and residing within the same.

[Section XI.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That when a collector of excise shall be appointed for said county, he shall be hereby authorized and empowered, by himself or his sufficient deputy duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover the excise appointed to be paid by an act or acts of assembly of this state, and also the arrearages thereof, of and from all and every person or persons within the said county, retailing or vending any of the liquors by the said acts liable to pay the same: and also to recover and receive all and every the duties, fines and forfeitures, laid or imposed, or that shall happen to arise or become due, for anything done contrary to the true intent and meaning of the said acts.

[Section XII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the collector of excise for the county of Montgomery aforesaid, the better to enable him to

recover the arrearages of excise now due, or which shall become due before the publication of this act, shall apply to the collector of excise for the county of Philadelphia for a list, which he is hereby enjoined and required to deliver, containing the names of each and every person in arrears for excise within the said county of Montgomery, and how much from each of them.

[Section XIII.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the collector of the county of Montgomery aforesaid, before he enter on the execution of his said office, is hereby required to give bond, with two sufficient sureties, to the treasurer of this state for the time being, in the sum of two thousand pounds lawful money of this state, for the faithful discharge of his duty, and paying all such sums of money as he shall from time to time receive by virtue of this act. And further, the collector of the said county of Montgomery shall in all things govern himself, and be subject to the same regulations, restrictions, fines and forfeitures, and shall observe like rules, orders and directions as collectors of the other counties by the laws of this state are liable to. And the said collector for the discharge of the duty of his office within the said county of Montgomery, shall have and receive like fees, perquisites and rewards for his services as the collector for Chester county is entitled to for his services.

[Section XIV.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That until a sheriff and coroner shall be chosen in the county of Montgomery in pursuance of this act, it shall and may be lawful for the sheriff and coroner of Philadelphia county to officiate and act in the discharge of their respective duties, as fully and amply as they may or can do in the county of Philadelphia.

(Section XVIII, P. L.) And to the end that the boundaries of the said counties of Philadelphia and Montgomery may be the better ascertained and known:

[Section XV.] Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the trustees named in this act, together with Edward Duffield, Enoch Edwards, Nathan Gibson, Joseph Ferree, and John Holmes, or

a majority of them and they are hereby required and firmly enjoined within the space of three weeks next after the publication of this act, to assemble themselves together, and with the assistance of one or more surveyors by them provided, to run, mark out and distinguish the boundary line between the aforesaid counties of Philadelphia and Montgomery, or so much thereof, as they or a majority of them for the respective counties shall judge convenient and necessary, and the charges to arise for the doing thereof shall be defrayed equally by the inhabitants of the said counties of Philadelphia and Montgomery, as far as they may interfere with each other, and for that end levied and raised by the said inhabitants, in such manner as other public money for the use of the said counties, by law, ought to be raised and levied.

(Section XIX, P. L.) Provided always, That if the said commissioners from Philadelphia county or any three of them shall not attend on five day's notice given to them by the said commissioners from Montgomery county, of the time of running of the said line, that then and in such case the said commissioners from Montgomery county, or any three of them, shall run the same line.

[Section XVI.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That before any sheriff hereafter to be appointed and commissioned for the said county of Montgomery, shall enter upon the duties of his office, he shall become bound in obligation with two or more sufficient sureties, to be approved of by the president in council for the time being, in the sum of four thousand pounds, and with like conditions as is directed with respect to the sheriffs of the other counties within this state; which said obligation shall be taken in the name of the commonwealth of Pennsylvania, and entered upon record in the office for recording of deeds in the said county of Montgomery, and shall be in trust to and for the use and benefit of the person or persons who shall be injured by any breach, neglect or omission of duty in such sheriffs, and may be proceeded upon in the same manner as is directed in respect to other sheriff's bonds, in and by the laws of this commonwealth now in force; and that the treasurer hereafter to be appointed

for the said county before he shall enter on the duties of his office, shall give bond and security in like manner, as other county treasurers are by law directed.

(Section XXI, P. L.) And whereas it is represented by petition to the general assembly, that by the lines herein before mentioned, a long, narrow neck or point of land being part of the Manor of Moreland and lying between the townships of Byberry and Lower Dublin in the county of Philadelphia, would be included in the county of Montgomery, to the great inconvenience and injury of the inhabitants of the said neck of land, who have prayed that they may remain within the county of Philadelphia.

[Section XVII.] (Section XXII, P. L.) Be it therefore enacted by the authority aforesaid, That the boundary lines of the said county of Montgomery shall be as follows, That is to say, beginning in the line of Bucks county where the same is intersected by the line which divides the townships of Byberry and the Manor of Moreland, thence southwesterly along the last mentioned line to the first corner or turning thereof, and thence on the same southwesterly course to the line of Lower Dublin, and thence westwardly along the northern line of Lower Dublin, and so on as the lines of the said county of Montgomery are herein before described to the place of beginning; anything herein before contained to the contrary in anywise notwithstanding.

Passed September 10, 1784. Recorded L. B. No. 2, p. 359, etc.  
See the Acts of Assembly passed March 30, 1785, Chapter 1150; April  
8, 1785, Chapter 1165; September 13, 1785, Chapter 1177.

CHAPTER MCIX.

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## AN ACT TO ESTABLISH AND INCORPORATE A PUBLIC SCHOOL AT GERMANTOWN, IN THE COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas divers well disposed persons in and about the neighborhood of Germantown in the county of Philadelphia, impressed with the advantages that would result to the rising generation by establishing seminaries for the propagation of useful learning and rendering the attainment thereof cheap, easy and convenient, did many years past by subscription raise a sum of money wherewith they purchased a convenient lot of ground and thereon erected a large and commodious school-house, and for a considerable time have maintained a school therein; but their funds have not been sufficient to extend the utility thereof so far as their wishes and expectations had pointed out, the reason whereof they apprehend to be that they have not been incorporated and thereby enabled to take, receive and collect the donations and subscriptions of persons who have contributed and would have contributed to the same:

And whereas, by the forty-fourth section of the frame of government of this commonwealth it is ordained "That a school or schools shall be established in each county by the legislature for the convenient instruction of youth with such salaries to the masters paid by the public as shall enable them to instruct youth at low prices."

"And whereas divers of the inhabitants of Germantown have by petition to this house represented that the situation of the place, the large and commodious buildings already erected and divers other circumstances render it a proper place to establish a school agreeable to the said provision in the frame of government, and have prayed that such a school may be established there and such assistance granted to it as to the wisdom of this House shall seem meet:

(Section II, P. L.) And whereas the finances of this state so soon after a long and expensive war, are not in a condition (without an increase of taxes already heavy) to carry into erection immediately the design of the said section by establishing schools at the public expense in all the counties of this state, but it is nevertheless highly proper to promote the laudable attempt of the petitioners by every reasonable encouragement until something further can be done by the legislature in a more extensive way.

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That there be erected and hereby is erected and established at Germantown in the county of Philadelphia, a public school for the instruction of youth in the learned and foreign languages, reading and writing English, the mathematics, and other useful branches of literature, the name, style and title whereof and the constitution thereof shall be as they are hereinafter mentioned and defined, That is to say,

(Section IV, P. L.) I. The said school shall forever hereafter be called and known by the name of "The Public School of Germantown in the county of Philadelphia," and shall be under the management, direction and government of a number of trustees not exceeding twenty-one or a quorum or board thereof as herein after mentioned.

(Section V, P. L.) II. That the first trustees of the said school shall consist of the following persons, viz.: Henry Hill, Samuel Ashmead and Jacob Rust, Esquires, the Reverend Albert Helfenstein and Frederick Smith, John Vanderen, John Bringhurst, Joseph Ferree, Christian Snider, James Haslet, Samuel Mechlin, Noah Townsend, Samuel Bringhurst, George Bringhurst, Justus Fox, William Ashmead, David Deshler, Doctor Jacob Frelich, Paul Engle, John Fry and Abraham Rittenhouse, which said trustees and their successors to be elected as herein after mentioned shall forever hereafter be, and they are hereby erected, established and declared to be one body politic in deed and in law to all intents and purposes with per-

petual succession by the name and title of "The Trustees of the Public School of Germantown, in the county of Philadelphia," by which name and title they and their successors shall be competent and capable at law and in equity to take and hold to themselves and their successors for the use of the said school, any estate in any messuages, lands, tenements, rents, hereditaments, goods, chattels, moneys or other personal estate, by the gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any persons or body politic whatsoever, Provided the same do not exceed in the whole the yearly value of one thousand pounds, and the same to grant, bargain, sell, convey, assure, demise and to farm, let, place out at interest or otherwise dispose of, for the use of the said school, in such manner as to them or at least seven of them shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use and support of the said school, and by the same name to sue, commence, prosecute, defend, implead and be impleaded in any courts of law or equity and in all manner of suits and actions whatsoever; and to make, devise, have and use one common seal to authenticate all the acts and deeds of the corporation, and the same to break, alter and renew at their pleasure, and generally by and in the same name to do and transact all and every the business touching and concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person or body politic or corporate within this commonwealth have power to manage their own concerns.

(Section VI, P. L.) III. The said trustees or a quorum or board of them shall meet at the school-house in Germantown on the first Monday in November next, to enter upon their business and at least once in every year afterwards, at such times as the said trustees shall appoint, of which notice shall be given after the first meeting by public advertisement in two of the public newspapers of the city or county of Philadelphia, at least two weeks before the time of such intended meeting, and if at such or any future meeting seven of the said trustees shall not be present, those of them who shall be present shall

have power to adjourn to any future day, whereof notice shall be given as aforesaid: but if at such or any future meeting by adjournment or otherwise, whereof notice shall have been given as aforesaid, seven of the said trustees shall be met, then such seven of them shall be a board or quorum, and a majority of their votes shall be sufficient and capable of doing and transacting all the business and concerns of the said corporation; and particularly of making and enacting ordinances and by-laws for the government of the said school, of electing trustees in the place of those who shall resign their offices or die, of choosing and employing the masters and tutors of the school, of agreeing with them for their salaries and stipends, and removing them for misconduct or breach of the laws of the institution, of appointing committees of their own body to carry into execution all and every the resolutions of their board; of appointing a treasurer, secretary, stewards, managers, and other necessary officers, for the taking care of the estate and managing the concerns of the corporation, and generally of determining all matters and things (although the same be not herein particularly mentioned) which shall occasionally arise and be incidentally necessary to be determined and transacted by the said trustees; Provided always that no ordinances or by-laws shall be of force which shall be repugnant to the laws of this state.

(Section VII, P. L.) IV. Persons of every religious denomination among Christians shall be capable of being elected trustees, nor shall any person either as master, tutor, officer or pupil be refused admittance for his conscientious persuasion in matters of religion, provided he shall demean himself in a sober, orderly manner, and conform to the rules and regulations of the school.

(Section VIII, P. L.) V. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from the said corporation, provided the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing whereby any estate or interest was intended to pass to or from the said corporation; now shall any disuser or nonuser of the rights, liberties and privileges, jurisdictions and

authorities hereby granted to the said corporation or any of them, create or cause a forfeiture thereof, nor shall the constitution of the said school hereby established be ever altered or alterable by any by-law or ordinance of the said trustees or in any other manner than by an act of the legislature of this state; but the same constitution shall always be construed most beneficially for the said corporation.

[Section II.] (Section IX, P. L.) And it is further enacted by the authority aforesaid, That all and singular the estate real and personal whatsoever now belonging to and held by any person or persons whatsoever for the use of the said school of Germantown shall be and the same is by force of this act transferred to and vested in the trustees of the public school of Germantown in the county of Philadelphia, and their successors forever, for the use of the last mentioned school, and that it shall and may be lawful for the said trustees to enter into and take possession thereof, and to sue, commence and prosecute all such suits and actions at law for the recovery of all debts and sums of money due, owing and payable to the former trustees of the Germantown school for the use of the said school whether the same be due on bonds, notes or other securities, or by the gift, donation, bequest or promissory subscription of any person or persons whatsoever.

Passed September 15, 1784. Recorded L. B. No. 2, p. 372, etc.  
See the Act of Assembly passed September 6, 1786, Chapter 1236.

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## CHAPTER MCX.

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AN ACT TO ENABLE MARCUS HULINGS AND HIS HEIRS AND ASSIGNS TO ERECT, BUILD AND MAINTAIN A DAM OVER SHEERMAN'S CREEK, IN THE COUNTY OF CUMBERLAND, NEAR THE MOUTH OF THE SAME CREEK.

(Section I, P. L.) Whereas divers inhabitants of Lancaster and Cumberland counties have petitioned the house of assembly of this commonwealth that Marcus Hulings of said county

of Cumberland, should have power and authority to erect, build and maintain a mill dam near the mouth of Sheerman's creek in the said county of Cumberland, agreeable to the laws and regulations of an act of the late province of Pennsylvania, passed the twenty-sixth day of February one thousand seven hundred and seventy-three, entitled "An act for preserving the navigation in Sheerman's creek in the county of Cumberland, and to prevent the destruction of fish in the same,"<sup>1</sup> which same act extends the privilege to those dams then erected or built on said creek:

And whereas a committee of this house were appointed to inquire into the merits of the prayer of the said petition, who have reported in favor of the same:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the same Marcus Hulings and his heirs and assigns shall have full power and authority to build, erect and maintain the same dam so prayed for agreeable to the rules and regulations of the said act, they and each of them to be subject to the pains and penalties of the said act for the breach of same, any law, usage or custom to the contrary in anywise notwithstanding.

Passed September 15, 1784. Recorded L. B. No. 2, p. 369, etc.

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## CHAPTER MCXI.

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### AN ACT FOR THE MORE SPEEDY RESTORING THE POSSESSION OF CERTAIN MESSUAGES, LANDS AND TENEMENTS IN NORTHUMBERLAND COUNTY TO THE PERSONS WHO LATELY HELD THE SAME.

(Section I, P. L.) Whereas several persons at or near Wyoming in the county of Northumberland were in the month of May last violently dispossessed of the messuages, lands and tenements which they then occupied and which are still detained

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<sup>1</sup> Passed February 26, 1773, Chapter 674.

from them by force, and the peculiar circumstances of these cases require that the possession of the premises so forcibly entered and detained should be without delay restored to the persons who occupied them as aforesaid:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That it shall and may be lawful for the president and the supreme executive council to direct the justices of the peace in and for the county of Northumberland to proceed forthwith in executing the laws relating to forcible entries and detainers; and that their proceedings therein, or the writ of restitution, thereupon or the effect thereof, in the cases before mentioned, shall not be in any manner superceded, impeded or delayed by writ of certiorari, or other writ issued by the supreme court or any judge thereof, or by any other court whatever.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in force until the end of the next session of the general assembly and no longer.

Passed September 15, 1784. Recorded L. B. No. 2, p. 348, etc.

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## CHAPTER MCXII.

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### A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PREVENT THE EXPORTATION OF BREAD AND FLOUR NOT MERCHANTABLE."<sup>1</sup>

(Section I, P. L.) Whereas the acts for the inspection of flour and other staple articles of this state, have been found by experience to be highly beneficial by establishing a fair reputation at foreign markets, and thereby increasing the demand for our commodities: And whereas superfine flour has latterly become a

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<sup>1</sup> Passed April 5, 1781, Chapter 936.

principal article of exportation from this state, and the laws in being have not made provision to guard against frauds in the exportation thereof:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the first day of November next, all flour exported or intended to be exported from this state, which shall be branded or otherwise marked as superfine, shall before it shall be laden on board of any ship or vessel for exportation, be inspected and examined by the proper officer appointed for the inspection of flour, or his deputy, in the manner directed and described in the eleventh section of the act to which this act is a supplement. And if the said inspector shall judge the same to be of sufficient fineness and quality in all respects to pass, and be exported as good superfine flour of the proper merchantable standard, and as such he shall brand the same with the arms of this state, as is directed in and by the said recited act to which this act is a supplement, in a fair and distinguishable manner, provided that every miller or bolter of such flour may, if he shall think proper, mark every such cask with such brand of superfine, before the same shall be removed from the place of bolting. And if the said inspector shall adjudge any such flour having thereon the brand of superfine, to be inferior to the standard quality, which shall entitle it to be shipped and exported as superfine, he shall be, and he is hereby authorized and directed to cut out and totally destroy such superfine brand mark. Provided also, That if any dispute shall arise between the inspector and the owner or possessor of such flour concerning the fitness thereof to pass as superfine, such owner or possessor shall and may have the same tried and determined in such manner and form as is directed and described in the said act, to which this act is a supplement, for settling disputes concerning the quality of flour therein mentioned, and the parties are hereby declared to be severally entitled to the like benefits and advantages, and subjected to the like penalties according to the decision in such mode as is therein directed and described in cases of a similar nature.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That if any person or persons whatsoever shall impress or brand the said mark of superfine on any cask or casks of flour, after the same shall have been sent or carried away from the mill or bolting house where the same shall have been packed, and before it shall have been inspected and allowed as superfine by the proper officer as aforesaid, and shall be thereof legally convicted, such person shall be subject to the like penalties and punishments as are directed to be inflicted for the counterfeiting or impressing counterfeited brand-marks, by the act, to which this act is a supplement. And if any person shall wilfully impress, or cause to be impressed the brand-mark of superfine, or the similitude thereof on any cask of flour after it shall have been inspected as aforesaid, or shall wilfully and fraudulently ship or attempt to ship or put on board of any ship or vessel for exportation, any flour the cask whereof shall bear the said mark or brand of superfine, knowing the same to be of inferior quality, or with design to deceive and to evade the regulation hereby intended, every such person being legally convicted of any such offence or offenses, shall suffer and pay the penalty of one hundred pounds for every such offence which fine shall be recovered by the attorney general, for the use of this commonwealth; every cask of flour so fraudulently branded, or fraudulently shipped, or intended to be shipped as aforesaid, shall moreover be seized and forfeited one-half for the use of the commonwealth, and the other half to the inspector or other person who shall prosecute such offender to conviction.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all the powers and authorities vested in, and given to the inspectors of flour and their deputies, for the execution of the duties enjoined on them by the aforesaid act, to which this act is a supplement, are hereby extended and vested in the said officers for executing the duties they are to perform, by virtue of this act, as fully and amply as if the same were enumerated and more particularly mentioned and expressed.

Passed September 15, 1784. Recorded L. B. No. 2, p. 370, etc. See the Act of Assembly passed March 31, 1860, Chapter 376, P. L. 1860, p. 452.

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## CHAPTER MCXIII.

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### **AN ACT TO ESTABLISH AND CONFIRM THE TITLE OF JOHN SHEARER IN A CERTAIN TRACT OR PIECE OF LAND SITUATED IN WHITPAINE TOWNSHIP, IN THE COUNTY OF PHILADELPHIA.**

(Section I, P. L.) Whereas John Shearer of Whitpain township in the county of Philadelphia, tile-maker, hath represented by his petition to this general assembly that his title to a certain tract or piece of land situated in Whitpaine township aforesaid, is rendered defective by the loss of a certain deed of conveyance for the same from Charles Kress of Whitpaine aforesaid unto the said John Shearer:

(Section II, P. L.) And whereas a committee of this house to whom the said petition hath been referred, have reported to this house that on due inquiry they find that the said John Shearer, on the first day of April in the year of our Lord one thousand seven hundred and sixty-three did purchase and obtain a deed in due form of law from Charles Kress for the consideration of one hundred and ninety-eight pounds lawful money of Pennsylvania for a certain tract or piece of land situated in Whitpaine township in the county of Philadelphia, which said tract of land is bounded and described as follows, to-wit, Beginning at the corner of Bernard Shearer's land, thence by land late belonging to George Kasner, south forty-one degrees west ninety-six perches to a stone set for a corner in Skippack road, thence along the said road north forty-six degrees and a half west one hundred and sixteen perches to a post set for a corner which is also a corner of the aforesaid Charles Kress's other land, thence by the same north seventy-one degrees east twenty-one perches to a white oak, thence by the same south seventy-eight degrees east seventeen perches to a post, thence north eighty-two degrees

eost thirty-nine perches to a post, thence north seventy-two degrees east forty-one perches to a post, a corner in a line of the aforesaid Bernard Shearer's land, and by the same south forty-eight degrees east, thirty-one perches and three quarters of a perch to the place of beginning containing thirty-nine acres and ninety-eight perches. And the said committee did further report to this house, that the said deed hath been, in the opinion of the said committee, carried off by the person or persons who robbed the said John Shearer, whereupon leave was given to the said John Shearer to bring in a bill to confirm to him his title to the said lot or piece of land after he should have given three week's notice of such his intention, in one of the public newspapers of the city of Philadelphia:

(Section III, P. L.) And whereas it appears that the said John Shearer hath given due notice as aforesaid:

[Section I.] (Section IV, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the said tract or piece of land bounded as aforesaid, with the appurtenances are and shall be vested in the said John Shearer and his heirs and assigns, and that the said John Shearer and his heirs, now do stand, and from after the publication of this act, shall stand seized of the said premises and of every part and parcel thereof with the appurtenances to and for the only proper use and behoof of the said John Shearer his heirs and assigns forever as effectually in law and equity to all intents and purposes as if the said deed from the said Charles Kress to the said John Shearer had not been lost and that the title of the said John Shearer to the said tract or piece of land shall not be anywise prejudiced or impeached in any court of law or equity for or by reason of the loss of the said deed, or for want of producing the same: subject nevertheless to such quit-rents or other rents, estates and encumbrances, as are, or may be legally charged on the same or any part or parcel thereof.

Passed September 15, 1784. Recorded L. B. No. 2, p. 349, etc.

CHAPTER MCXIV.

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AN ACT GIVING FURTHER TIME TO THE INHABITANTS OF WESTMORELAND, WASHINGTON AND FAYETTE COUNTIES TO RECORD THEIR CERTIFICATES OBTAINED FROM THE STATE OF VIRGINIA WHEN UNDER THE JURISDICTION OF THE SAME.

(Section I, P. L.) Whereas before the agreement made and entered into between this commonwealth and the state of Virginia respecting the western boundary, numbers of the inhabitants of Westmoreland, Washington and Fayette counties had taken and subscribed the oath of allegiance and fidelity to that state: And whereas a law of this commonwealth passed in April one thousand seven hundred and eighty-two, gave the inhabitants of Westmoreland and Washington counties six months to record their certificates obtained from the justices commissioned by the state of Virginia, with the clerk of the quarter sessions of their respective counties, which law has not fully answered the good purposes for which it was intended, owing to the shortness of its duration, by which many good people are deprived of the common privileges of the citizens of this commonwealth:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That all and every person or persons that now are within the counties aforesaid, and have taken and subscribed the oath of allegiance and fidelity to the commonwealth of Virginia when under the jurisdiction of the same, and have not produced certified copies or certificates of their having taken and subscribed the oath of allegiance and fidelity to that commonwealth, to the clerk of the quarter sessions of their respective counties agreeably to said act, may yet at any time from and after the passing of this act produce their certified copies or certificates to the clerks of their respective

counties aforesaid, and all every person or persons so producing their certified copies or certificates as aforesaid, shall be, and they are hereby declared to be, to all intents and purposes, free citizens of this commonwealth in the same manner as if they had taken the oath or affirmation of allegiance in due time to the same.

Passed September 23, 1784. Recorded L. B. No. 2, page 355, etc.

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## CHAPTER MCXV.

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A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR THE FURTHER REGULATION OF THE PORT OF PHILADELPHIA, AND FOR ENLARGING THE POWER OF THE WARDENS THEREOF."<sup>1</sup>

(Section I, P. L.) Whereas the duties assigned to and required of the wardens of the port of Philadelphia, are greatly increased by the act entitled "An act for the further regulation of the port of Philadelphia, and for enlarging the power of the wardens thereof,"<sup>1</sup> insomuch that the pay allowed to the said wardens in and by the said act, is become far short of an adequate compensation for their time and services:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That instead of the pay allowed and established in and by the twenty-first section of the said recited act, and said wardens shall receive as follows; That is to say, the president or other warden, who shall be the attending member for the time being, as in the said act is mentioned, shall have and receive for every day he shall so attend, the sum of fifteen shillings, and each and every other of the said wardens shall have and receive the sum of ten shillings for every day he shall be employed in any other of the duties and services of a warden, to be paid as in the said recited act is mentioned.

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<sup>1</sup> Passed April 1, 1784, Chapter 1095.

(Section III, P. L.) And whereas the pay or fees allowed to the said wardens, when acting as surveyors, as in and by the twenty-third section of the said recited act, is mentioned, are found on experience, to be greatly inadequate to the services therein required:

[Section II.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That in lieu of the fees allowed in and by the said twenty-third section, it shall and may be lawful to and for the surveyors in the said twenty-third section mentioned, to demand and receive from the parties respectively demanding such surveys, the following fees; That is to say, for every survey and report on a vessel and her cargo, so far as relates to the storage and general state of the cargo, if not required to attend more than twice, twenty shillings, and for each attendance on the same, more than twice, ten shillings. For every survey and report on any particular invoice or shipment of goods, consisting of not more than four bales, casks, or other packages, fifteen shillings, and for each and every package they shall be required to survey, beyond four, in any such invoice or shipment, three shillings and nine pence.

(Section V, P. L.) And whereas the duties of the secretary to the said wardens, are greatly increased by the before recited act, for which no established compensation is provided, and it is just and reasonable that the said secretary should receive a salary.

[Section III.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That the secretary of the said wardens for the time being, shall have and receive a salary, at the rate of one hundred pounds per annum, for the said services, to be paid out of the fund arising from the duties of tonnage, on warrants to be issued by the board of wardens, as mentioned in the said twenty-first section of the before recited act, for the pay of the wardens, over and besides the allowance mentioned for office rent, and other accommodations for the office of the said wardens.

Passed September 23, 1784. Recorded L. B. No. 2, page 356, etc.

Repealed by the Act of Assembly passed October 4, 1788, Chapter 1365.

## CHAPTER MCXVI.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR THE MORE EASY AND SPEEDY RECOVERY OF SMALL DEBTS."<sup>1</sup>

(Section I, P. L.) Whereas the act of the general assembly of the then province of Pennsylvania, passed the first day of March, one thousand seven hundred and forty-five, six, entitled "An act for the more easy and speedy recovery of small debts,"<sup>1</sup> hath been found by experience to be inadequate to the wishes and interest of the people of this state.

(Section II, P. L.) And whereas, the expenses and delays attending the recovery of small debts, above the amount of ten pounds are grievous, whereby creditors are discouraged from prosecuting their just rights, and debtors who are generally poor, are burdened and distressed with heavy costs:

For remedy whereof:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the justices of the peace of the city and counties of this state, shall and they are hereby required and empowered to take cognizance of and proceed in the same manner to hear and determine in all actions of debt or demand of the value of five pounds and not exceeding ten pounds, as they are by the act to which this is a supplement, directed to do in debts of the value of forty shillings and not exceeding five pounds, anything in the said act to the contrary in anywise notwithstanding.

(Section IV, P. L.) Provided always, That no execution shall be issued against any person for any debt or demand of the value of five pounds and not exceeding ten pounds, in less than the space of six months from and after such judgment, they giving sufficient security.

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<sup>1</sup> Passed March 1, 1745-46, Chapter 365.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That so much of the said act, to which this is a supplement, as is hereby altered or amended, is hereby repealed and void.

Passed September 23, 1784. Recorded L. B. No. 2, page 354, etc.

See the note to the Act of Assembly passed April 1, 1745-46, Chapter 365.

The Act in the text was repealed by the Acts of Assembly passed April 5, 1785, Chapter 1160; April 19, 1794, Chapter 1754.

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## CHAPTER MCXVII.

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A SUPPLEMENT TO THE ACT ENTITLED "AN ACT FOR RAISING BY WAY OF LOTTERY THE SUM OF FORTY-TWO THOUSAND DOLLARS FOR IMPROVING THE PUBLIC ROADS LEADING FROM THE CITY OF PHILADELPHIA TO THE WESTERN PARTS OF THIS STATE, AND TOWARDS THE IMPROVING THE NAVIGATION OF THE RIVER SCHUYLKILL."<sup>1</sup>

[Section I, P. L.] Whereas it hath been represented to this house by the managers of the state lottery instituted by an act passed the fifteenth day of March last, entitled "An act for raising by way of lottery the sum of forty-two thousand dollars for improving the public roads, leading from the city of Philadelphia to the western parts of this state, and towards the improving the navigation of the river Schuylkill;"<sup>1</sup> That for reasons set forth in their memorial to this house the tickets of the first class of the said lottery have not met with so ready a sale as was expected at the establishment of the said lottery:

[Section II, P. L.] In order therefore to encourage the said lottery and to produce the benefits to the public intended by and set forth in the said act:

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That it shall and may be lawful for the managers of the

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<sup>1</sup> Passed March 15, 1784, Chapter 1075.

said lottery and they are hereby authorized and empowered to give two tickets as gratuities with every hundred tickets purchased together in the two first classes thereof.

(Section III, P. L.) And in order further to promote the sale of the said tickets:

[Section II.] Be it enacted by the authority aforesaid, That the managers of the said lottery be authorized and they are hereby empowered to place in the hands of such persons as they shall judge safe, such parcels of tickets from time to time for sale on account of the said lottery as they may suppose to be necessary to forward the designs of the lottery, and to whom they shall likewise allow in the said first and second classes respectively two tickets for every hundred tickets such persons shall dispose of, upon their paying to the said managers the amount of the sales of such tickets by them severally sold.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That upon a representation of the state of the sales of the tickets in any class being made in writing and laid before the honorable the executive council of this state by the managers of the lottery, the said executive council may and they are hereby authorized to appoint a day when the said managers shall proceed to the drawing of such class and that if any tickets then remain unsold the said managers shall render an account of the quantity of such tickets with their numbers to the said council and the said tickets shall be drawn on account and at the risk of the said lottery.

[Section IV.] (Section V, P. L.) Provided always nevertheless, that it shall and may be lawful for the said managers during the intervals of any adjournment of the drawings of either of the said classes to sell, in the manner herein before directed to any person or persons such tickets as may then remain unsold; and that the said managers before they again proceed in the drawings, after such adjournments, shall render unto the executive council an exact list, specifying the numbers on such tickets as they shall from time to time sell, during such adjournments.

CHAPTER MCXVIII.

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AN ACT TO CARRY INTO IMMEDIATE EFFECT THE RESOLUTIONS OF THE UNITED STATES IN CONGRESS ASSEMBLED FOR ADJUSTING THE CLAIMS OF INDIVIDUALS OF THIS COMMONWEALTH AGAINST THE SAID UNITED STATES.

(Section I, P. L.) Whereas many of the inhabitants of this state have hitherto labored and do yet labor under great and grievous inconveniences and disadvantages by not having their claims and just demands against the United States liquidated and settled and certificates given them for the same agreeably to the resolution of Congress. And whereas it is evident that according to the progress hitherto made the settlement of said accounts will not be completed within any reasonable time, and a regard to justice and the interests of the inhabitants of this state call loudly for relief, wherefore in order to expedite the settlement of the said accounts:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the president or in his absence the vice-president and the supreme executive council shall appoint two additional commissioners whose duty it shall be severally to attend at such times and places in the several counties as the supreme executive council shall direct, and shall each of them, in their respective districts, adjust and settle all such claims aforesaid as shall appear to be just, without delay, agreeable to the principles laid down by Congress in their acts of the twentieth day of February one thousand seven hundred and eighty-two, and third of June one thousand seven hundred and eighty-four.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall be and they are hereby severally and respectively vested with equal and similar powers to those which have been given and

granted by the aforesaid acts of congress to the officer appointed by the United States to execute the said acts, and approved of by the Legislature of this state in and by the act entitled "An act for the settlement of the public accounts of the United States of America."<sup>1</sup> passed the twentieth day of March in the year of our Lord one thousand seven hundred and eighty-three, so far as the same respects the liquidating and settling the certificates and claims of the inhabitants of this state, as aforesaid, and granting certificates, specifying the sums due in specie and on interest for the same; which certificates when granted shall be considered in all respects equal to the certificates issued or that may be issued by the commissioners appointed by the authority of the United States as aforesaid.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That each of the commissioners to be appointed agreeably to this act shall before he enters on the duties of his office appear before the supreme executive council of this state and there take and subscribe an oath for the faithful discharge of the duties of his office and the trust reposed in him to the best of his abilities and understanding and shall also give bond with two or more sureties to the president of the state for the time being in the sum of one thousand pounds each, conditioned for the faithful discharge of the duties of their offices respectively.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That blank certificates with proper checks and private marks shall be forthwith prepared and printed under the direction of the supreme executive council of this state and delivered out to the said commissioners in such quantities as may be necessary and it shall be the duty of the said commissioners to register in books to be provided for that purpose; all such certificates as they shall respectively issue, specifying in proper columns the names of the persons to whom granted, the time when issued, the number, the date, when interest commences thereon, upon whose certificate, or by whose order and directions the services were performed, or the ar-

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<sup>1</sup> Passed March 20, 1783, Chapter 1020.

ticles furnished, and shall carefully file and preserve all such accounts and certificates as shall be liquidated by them, numbering the same to correspond with the certificates granted for them; and shall finally deposit the same as the supreme executive council shall direct.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall respectively correspond with the comptroller-general of this state; the commissioner appointed by the authority of the United States; the commissioners appointed to settle the accounts of the officers of the several departments, and with each other, in order to prevent confusion, and to gain necessary information.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall respectively be allowed twenty shillings for every day they shall be employed in the duties required of them by this act and all necessary office expenses shall also be allowed and paid them by this state and charged to the United States.

Passed December 1, 1784. Recorded L. B. No. 2, p. 377, etc.

Repealed by the Act of Assembly passed March 30, 1785, Chapter 1151.

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## CHAPTER MCXIX.

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### AN ACT TO VEST CONGRESS WITH CERTAIN POWERS FOR THE PROTECTION OF COMMERCE.

(Section I, P. L.) Whereas the United States in Congress assembled, by their act of the thirtieth day of April last did recommend to the several states to vest the United States in congress assembled for the term of fifteen years with power to prohibit any goods, wares or merchandise from being imported into or exported from any of the states in vessels belonging to or navigated by the subjects of any power with whom these states shall not have formed treaties of commerce:

(Section II, P. L.) And whereas the interests of these United States require that the said states in congress assembled should be vested with powers competent to the protection of commerce;

Therefore:

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the United States in Congress assembled be and they are hereby vested for the term of fifteen years from the thirtieth day of April last, with power to prohibit the importation into or exportation from any of the said states, of any goods, wares or merchandise in any vessel or vessels belonging to or navigated by the subjects of any power with whom the said states shall not have formed treaties of commerce and also to prohibit during the term aforesaid the subjects of any foreign state, kingdom or empire, unless authorized by treaty from importing into the United States any goods, wares or merchandise which shall not be the produce or manufacture of the dominions of the sovereign whose subjects they are.

[Section II.] (Section IV, P. L.) Provided always, That to any act in execution of the authorities hereby granted to the said United States in Congress assembled the assent of nine states shall be necessary.

Passed December 15, 1784. Recorded L. B. No. 2, p. 379, etc.

CHAPTER MCXX.

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AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH MEADOW GROUND THEREIN DESCRIBED, SITUATED IN THE TOWNSHIP OF KINGSESSING IN THE COUNTY OF PHILADELPHIA TO KEEP THE BANKS, DAMS, SLUICES AND FLOOD-GATES IN REPAIR AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF."<sup>1</sup>

(Section I, P. L.) Whereas by an act, entitled "An act to enable the owners and possessors of a certain tract of marsh and meadow ground therein described situated, lying [and] being in the northern district of the township of Kingessing in the county of Philadelphia to keep the banks, dams, sluices, and flood-gates in repair and to raise a fund to defray the expenses thereof,"<sup>1</sup> Isaac Pearson, William Parker and Andrew Bankson were thereby nominated, authorized and appointed to divide the banks which surround the same piece of marsh or meadow ground, and allot and appoint how many perches of the said bank each owner or possessor of the said tract of meadow land should make, repair, maintain and support in proportion to the number of acres of meadow he held therein allotting the part and proportion so to be made, repaired, maintained and supported as near and convenient as might be to the land of each respective owner thereof, all which said allotments so made and signified by an instrument of writing under the hands and seals of any two of them, should be the proper shares, parts, proportions and quantities of bank for the several owners or occupiers of the said meadows to make repair and support at their own proper cost and charge as in and by the said in part recited act more fully appears.

(Section II, P. L.) And whereas it is found by experience that the mode of supporting the said banks by individual allotments is attended with divers inconveniences:

Therefore:

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<sup>1</sup> Passed February 18, 1769, Chapter 585.

[Section I.] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same; That from and after the publication of this act the several owners of meadow ground within the banks surrounding the same shall be forever hereafter released and discharged from making, maintaining, repairing and supporting their several proper shares, parts, proportions and quantities of the said bank to them allotted in pursuance of the said recited act at their own proper expense and charge and of and from all penalties and forfeitures by the said recited act annexed for the neglect thereof.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That immediately after the passing of this act it shall and may be lawful for the present managers of the said company to enter into and upon the said banks and if upon inspection it should appear to them that any particular allotments thereof shall stand in immediate need of repair then it shall be lawful for the said managers without consulting the owners of the particular allotments which shall so require immediate need of repair, to enter upon the adjoining grounds with such workmen, horses, carts, implements and tools as shall be necessary, and to dig, and cast earth or purchase other materials and cause said allotments of bank to be repaired so as to put them all in order and repair as nearly equal as possible at the several expense and charge of each of the said owners of the said allotments which shall require such repair, and to levy, recover, collect, and receive from each of them respectively the several amounts of the said respective charges, in the same manner, and under the same penalties and forfeitures as the taxes for the other purposes in the said recited act mentioned are directed to be levied, recovered, collected and paid.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the owners and possessors of said marsh meadow ground herein described shall and are hereby authorized and empowered as soon as convenient after the

passing of this act (giving six days' notice) to choose three persons managers in the room of the present managers.

(Section V, P. L.) And whereas it may sometimes happen that great benefit may be derived to the general interest of said company by making some additional works for the security of the said banks but the length of time necessary to procure the consent of all the owners may prevent the same being done in due time:

[Section IV.] Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any two of the managers at any time when they shall be of opinion that any such additional works are necessary (not herein nor by the act to this is a supplement provided for) shall become necessary and expedient for the general benefit of all the said owners or to cause the same to be done at the joint expense and charge of all the said owners.

(Section VI, P. L.) Provided, that the said managers now elected or hereafter may be elected shall make or cause to be made and procured a just and true estimate of the expense of each and every owner in repairing his respective allotment of bank in consequence of the damage sustained in said allotment by the breaking up of the ice in the spring which is considered as an act of providence more than any neglect of the owners to the end that the expense thereof may be defrayed by a general assessment and that those persons who have borne an over proportion of the repairs thereof may be credited in a future assessment for such sums as they have paid more than their share agreeable to a general assessment of said meadows according to the quantity they respectively hold.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That so much of the said recited act as is herein and hereby altered shall be and is hereby repealed and made null and void; yet all and every other matter and thing therein contained shall be and remain in full force and virtue as if this act was never made.

CHAPTER MCXXI.

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AN ACT FOR THE RELIEF OF INSOLVENT DEBTORS NOW CONFINED IN  
THE SEVERAL GAOLS OF THIS COMMONWEALTH.

(Section I, P. L.) Whereas application hath been made by petition to this house from a considerable number of prisoners confined in divers goals within this state for debt to be discharged from further confinement; And whereas many through misfortune and unavoidable losses are become wholly unable to discharge the several debts to the commonwealth as well as to individuals; And whereas the twenty-eighth section of the constitution provides, "That the person of a debtor where there is not strong presumption of fraud, shall not be continued in prison after delivering up bona fide all his estate, real and personal, for the use of his creditors," therefore in conformity to the aforesaid section of the constitution:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the county courts of common pleas in and for the city of Philadelphia and the several counties within this commonwealth be and they are hereby authorized and required upon the respective petitions of the several debtors now confined within the gaols under their jurisdiction whether the amount of their debts respectively to any one person be more or less than one hundred and fifty pounds to grant unto them and each of them the like relief as by the laws now in force within this state is provided for insolvent debtors who are confined under executions for debt not exceeding one hundred and fifty pounds to any one person.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the same courts upon the several applications to them to be made as aforesaid shall thereupon proceed in all things (except as hereinafter excepted) conformably to the purport, true intent and meaning of the sev-

eral acts of assembly now in force in this commonwealth for the relief of insolvent debtors not owing more than one hundred and fifty pounds to any one person as aforesaid, that their several and respective discharges shall be equally valid and effectual and their proceedings equally good and binding to all intents and purposes whatsoever.

[Section III.] (Section IV, P. L.) Provided always and be it further enacted by the authority aforesaid, That if any creditor or creditors of the respective prisoners now confined in the several gaols within this commonwealth or either of them do not or shall not reside within this state at the time of such proceedings before the said court, that the service of notice of applications to the said court or of any rule or order of the same court in the premises on the known agent or attorney of such creditor or creditors within this state, shall be equally valid and effectual as if the same notice or notices were served on such creditor or creditors in person.

(Section V, P. L.) Provided also, That none of the said prisoners now confined as aforesaid shall be debarred or excluded the benefit hereby intended to be granted unto them and each of them by reason that they or either of them have not resided within this state, for the space of two years next before his, her, or their imprisonment.

[Section IV.] (Section VI, P. L.) And be it further [provided and] enacted by the authority aforesaid, That after either or all of the said prisoners confined as aforesaid shall have surrendered all his, her or their property both real and personal for the use of his, her or their respective creditors, and adducing to the court sufficient proof that no fraud or embezzlement hath been committed by them, or either of them, it shall not be lawful for the court so discharging him, her, or them, to remand to gaol him, her or them, although the creditor or creditors of him, her or them so discharged shall desire the same and offer to give security to pay such weekly allowance to the said debtor or debtors or any of them, as the respective courts shall assess.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the same courts shall and may

grant relief unto all persons confined as aforesaid for debt (other than for fines and forfeitures for crimes and misdemeanors) due to the commonwealth, or for rent due from them to their respective lessors or landlords in the same manner and form as aforesaid; any law to the contrary notwithstanding.

Passed December 20, 1784. Recorded L. B. No. 2, p. 382, etc. See the act of Assembly passed February 14, 1729-30, Chapter 315.

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## CHAPTER MCXXII.

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AN ACT TO ALTER AND AMEND AN ACT OF ASSEMBLY, ENTITLED "AN ACT FOR OPENING THE LAND-OFFICE, FOR GRANTING AND DISPOSING OF THE UNAPPROPRIATED LANDS WITHIN THIS STATE."<sup>1</sup>

(Section I, P. L.) Whereas in and by the act of assembly entitled 'An act for opening the land-office, for granting and disposing of the unappropriated lands within this state,'<sup>1</sup> it was enjoined upon the commissioners appointed for making a further purchase of all the residue of the unpurchased lands within the limits of this state that they ascertain, in their negotiation with the Indians with the greatest possible precision the line between the lands already purchased and those that shall be by them purchased:

(Section II, P. L.) And whereas the directions given as aforesaid to the said commissioners have been supposed by some persons to vest in the said commissioners sufficient authority to adjust and ascertain the boundaries and lines of the purchase of lands made by the late proprietaries of the Six Nation Indians on the fifth day of November in the year of our Lord one thousand seven hundred and sixty-eight so as to influence and affect the location of lands under former acts of assembly and of the said recited act:

(Section III, P. L.) And whereas uncertainties and inconveniences may arise from the construction aforesaid:

Therefore:

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<sup>1</sup> Passed April 1, 1784, Chapter 1094.

[Section I.] (Section IV, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, and it is hereby declared, That the directions above recited did not give nor ought to be construed to give to the said commissioners any authority to ascertain, definitively, the boundary lines aforesaid; and that the lines of the purchase so made, as aforesaid, in the year one thousand seven hundred and sixty-eight, striking the line of the west branch of the river Susquehanna at the mouth of Lycomick or Lycoming creek shall be the boundaries of the same purchase to all legal intents and purposes until the general assembly shall otherwise regulate and declare the same.

(Section V, P. L.) And whereas the mode of sale by auction of the lands which the commissioners aforesaid were directed and empowered to purchase, provided in and by the said act appears to be inconvenient and would be tedious and many persons disposed to become real settlers would thereby be deprived of their proper shares thereof; and whereas the direction by the said act given to said officers of the land-office to take the bonds of the purchasers payable within two years for one moiety of the consideration whereby the lien on the lands as heretofore, for the purchase money or arrears thereof would be waived and great damage ensue to the Commonwealth:

Therefore:

[Section II] (Section VI, P. L.) Be it further enacted by the authority aforesaid, That the said act so far as it directs and authorizes the laying out the lands, so to be purchased as aforesaid in lots and selling them by public auction and so far also as it directs and enables the officers of the said land-office to give credit for any part of the purchase money or to take bonds for the same shall be and the same are hereby repealed and made void.

[Section III.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That from and after the first day of May next and not sooner the land-office of this commonwealth shall be open for applications for the lands within the purchase made or to be made by the commissioners aforesaid (the lands

within this state appropriated for the redemption of depreciation certificates and the donation lands to the officers and soldiers of the Pennsylvania line only excepted) at and after the rate of thirty pounds for every hundred acres of the same, and so in proportion for greater or less quantities thereof such application or the survey thereof to be made not to exceed one thousand acres with the usual allowance of six per centum for highways and every applicant for any of the same lands shall before the warrant for the same issue produce to the secretary of the land-office, an acquittance signed by the receiver-general of the [said] land-office, setting forth that the full purchase and consideration aforesaid has been paid and satisfied and the bills of credit of this state dated the twentieth day of April one thousand seven hundred and eighty-one and gold and silver money and the certificates described and directed in and by the act aforesaid shall be received by the said receiver-general in satisfaction of all purchase money as aforesaid.

[Section IV.] (Section VIII, P. L.) Provided always, and be it further enacted by the authority aforesaid, That any warrant which shall be issued in pursuance of this act shall not be confined to any particular place but shall enable the applicant to get the same located upon any vacant land where the said applicant shall think fit except as aforesaid, and the land which shall be surveyed upon any such warrant shall not exceed the number of acres expressed in the said warrant and the same land shall be all located and surveyed in one tract or parcel.

(Section IX, P. L.) And whereas divers persons who have heretofore occupied and cultivated small tracts of land without the bounds of the purchase made as aforesaid in the year of our Lord one thousand seven hundred and sixty-eight and within the purchase made or now to be made by the said commissioners have by their resolute stand and sufferings during the late war merited that those settlers should have the pre-emption of their respective plantations:

[Section V.] (Section X, P. L.) Be it therefore enacted by the authority aforesaid, That all and every person or persons and their legal representatives who has or have heretofore settled on the north side of the west branch of the river Susquehanna

upon the Indian territory between Lycomick or Lycoming creek on the east and Tyagaghton or Pine creek on the west as well as other lands within the said residuary purchase from the Indians of the territory within this state excepting always the lands herein before excepted shall be allowed a right of pre-emption to their respective possessions at the price aforesaid.

[Section VI.] (Section XI, P. L.) Provided always and be it enacted by the authority aforesaid, That no person shall be entitled to the preemption aforesaid unless he, she or they shall have made actual settlement as before described before the year of our Lord one thousand seven hundred and eighty and that no such claim shall be admitted to or under any such person or persons for more than three hundred acres of land with the usual allowance for roads to be surveyed together and in one tract, nor unless application for the same be made and the consideration thereof tendered to the receiver-general of the land-office on or before the first day of November next.

Passed December 21, 1784. Recorded L. B. No. 2, p. 384, etc.  
See the Acts of Assembly passed October 3, 1788, Chapter 1364;  
April 3, 1792, Chapter 1624.

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## CHAPTER MCXXIII.

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AN ACT FOR DIRECTING THE MODE OF RECOVERING DEBTS CONTRACTED BEFORE THE FIRST DAY OF JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SEVEN.

(Section I, P. L.) Whereas most of the debts contracted by the citizens of this state before the first day of January in the year of our Lord one thousand seven hundred and seventy-seven which yet remain unpaid are due and owing from persons who from principles of honor and honesty declined paying their debts in paper currency of less value than the money in which they were contracted when by the laws of the state they might have so done and it would be unreasonable that

such debtors should be compelled or compellable to discharge their old debts in gold or silver money until it shall become more plenty and easier to be acquired: And whereas divers acts have been heretofore made giving time to such debtors to pay such debts which acts have expired by their own limitation and it is reasonable to provide a further term for the payment of such debts:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That where any judgment hath already been or hereafter shall be entered in any court of record within this state against any citizen or inhabitant thereof of either by default or upon the confession of the party, the report of referees, the verdict of a jury, or otherwise, for any sum of money contracted for or due upon any bond, speciality, bill, note, bill of exchange, order, assumpsit, simple contract, or otherwise, or for rents, or annuities due or payable before the said first day of January in the year one thousand seven hundred and seventy seven:

Such court is hereby authorized and required to ascertain the sum or sums so due in each respective case and thereupon to give judgment for the whole sum due as well principal as legal interest to the time of such judgment being obtained; with stay of execution nevertheless for the respective times herein after limited, That is to say; as to one-third part of the said principal and interest and one year's interest thereon, and the whole cost and charges accrued thereon for the term of one year, from and after the passing of this act: As to one other third part thereof and one year's interest upon two-third parts thereof with the increased costs and charges thereon, for the term of two years from and after the passing of this act; and as to the remaining one-third part thereof with one year's interest thereon, and the further increased costs and charges thereon for the term of three years from and after the passing of this act and that several executions for the said several proportions of the said debts or damages may and shall be issued at the request of the plaintiff or plaintiffs, his, her, or

their executors, administrators or assigns, if the said several proportions of the same be not paid and discharged with interest and costs in the manner and at the times above specified and in all such judgments hereafter to be entered the stay of execution shall be regulated in equal third parts. That is to say, the first third part thereof for such time as shall be equal to one-third part of the time between the entering of such judgment and the expiration of three years from the passing of this act: the second third part thereof for such time as shall be equal to two-thirds parts of the time from the entering such judgment and the expiration of three years from the passing of this act: and the remaining third part thereof until the expiration of the said three years from the passing of this act; after which time executions may and shall at the request of the plaintiff or plaintiffs, his or their executors, administrators or assigns or any person for him or them be issued against the defendant or defendants, his, her or their executors, administrators or assigns without any writ or writs of scire facias, to revive such judgments.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all process and proceedings upon any writs of execution now issued and in the hands of any sheriff or other officer within this state founded upon judgments obtained for any such debts due before the first day of January in the year of our Lord one thousand seven hundred and seventy-seven shall be stayed and the sheriffs and other officers are hereby forbid to proceed therein if the defendant or defendants in such writ named or some person for him or them shall tender and pay to such sheriff or other officer the amount of the interest of such debt and the costs and charges accrued thereon at any time before actual sale of the goods and chattels, lands and tenements taken in execution and shall give security that the goods and chattels (if such be taken in execution upon such writs) shall be forthcoming in equal plight and of equal value at the expiration of one year from the passing of this act and satisfy such debts or damages as in the said writs are specified.

(Section IV, P. L.) And whereas divers persons have assigned and made over their estates or some parts thereof to trustees to be sold for the satisfaction of debts contracted before the said first day of January one thousand seven hundred and seventy-seven, and it is reasonable to allow to such assigning debtors the benefit of the terms herein before allowed to other debtors for discharging their old debts:

[Section III.] (Section V. P. L.) Be it therefore enacted and it is hereby enacted by the authority aforesaid, That no assignee or assignees in trust of the estate of any debtor whose debts were contracted and the assignment to secure the same was made before the said first day of January one thousand seven hundred and seventy-seven shall have power to sell, or expose to sale any part of the lands or tenements so to them or him assigned for the purpose of raising money to pay such debts within the term of three years from the passing of this act, without the consent of such assigning debtor to be expressed in writing or by his signing as a witness or a party to the deeds of conveyance of the same.

(Section VI, P. L.) Provided always nevertheless, That nothing contained in this act shall be taken or construed to affect the recovery of any debt due to this state or to the United States and that if any defendant or defendants or any assigning debtor or debtors as aforesaid are not or shall not be seized in his or their own right of a real estate sufficient to satisfy beyond reprizes all his [her] or their debts, and shall be about to depart this state without securing the same then and in such case it shall and may be lawful to and for all and every plaintiff and plaintiffs, creditor and creditors, assignee and assignees, to sue out executions and proceed to sale of all their goods and chattels, lands and tenements, to satisfy such debts, in the same manner as he or they could have done the same if this act had never been passed anything herein contained to the contrary in anywise notwithstanding.

[Section IV.] (Section VII, P. L.) And provided also and be it further enacted by the authority aforesaid, That this act nor anything therein contained shall not extend or be construed to extend to any debt or debts which were due before

the fourth day of July one thousand seven hundred and seventy-six by any of the citizens of this state to any of the subjects of Great Britain.

Passed December 23, 1784. Recorded L. B. No. 2, p. 387, etc.

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## CHAPTER MCXXIV.

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### **AN ACT FOR INCORPORATING THE PRESBYTERIAN CONGREGATION OF PEQUEA, IN THE TOWNSHIP OF SALISBURY AND COUNTY OF LANCASTER.**

(Section I, P. L.) Whereas the Presbyterian congregation of Pequea in the county of Lancaster have prayed that their said congregation may be incorporated and by law enabled as a body corporate and politic to receive and hold such charitable donations and bequests as have been or that hereafter may be made to their society and vested with such powers and privileges as are enjoyed by other religious societies who are incorporated in this state: And whereas this house is disposed to exercise the powers vested in the legislature of the commonwealth for the encouragement of pious and charitable purposes:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That Isaac McCalmont, Amos Slaymaker, James Armor, Thomas Slemons, Andrew Caldwell, Robert Byers, David Jenkins, Thomas Patton and the Reverend Robert Smith, and their successors duly elected and appointed in such manner as herein after is directed be and they are hereby made and constituted a corporation and body politic in law and in fact to have continuance forever by the name, style and title of "The Trustees of the Presbyterian Congregation of Pequea in Saulsbury township and county of Lancaster."

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their

successors by the name, style and title aforesaid shall forever hereafter be persons able and capable in law as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the said Presbyterian congregation of Pequea in the township and county aforesaid or to the religious society or congregation worshiping therein now under the pastoral care of the Reverend Robert Smith or to any person or persons to their use or in trust for them and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation and their successors forever according to the original use and intent for which such devices, [gifts] and grants were respectively made, and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, or other conveyances thereof is or are declared, limited or expressed, as also that the said corporation and their successors aforesaid at all times hereafter shall be capable and able to purchase, have, receive, take, hold and enjoy in fee simple or of lesser estate or estates any lands, tenements, rents, annuities, liberties, franchises and other hereditaments by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic and corporate, capable and able to make the same. And further that the said corporation may take and receive any sum or sums of money and any portion of goods and chattels that have been or hereafter shall be given or bequeathed to them by any person or persons, bodies politic and corporate able and capable to make a bequest or gift thereof such money, goods and chattels to be laid out and disposed of for the use and benefit of the aforesaid congregation agreeably to the intention of the donor.

[Section III.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That the rents, profits and interest of the said real and personal estate of the aforesaid corpora-

tion and congregation shall by the said trustees and their successors from time to time be applied and laid out by them for the maintenance and support of the Gospel Ministry in the said congregation, for repairing and maintaining their house of public worship, lots of land, burial ground, and such other pious and charitable uses as shall be thought proper by a majority of the trustees and other regular members of the said congregation on due notice met to give their free vote in such case.

[Section IV.] (Section V, P. L.) Be it further enacted by the authority aforesaid, That when and as often as it may become necessary to rebuild, enlarge or otherwise alter the house of public worship belonging to the said congregation and corporation or to erect any new building or to make any new purchase for the use of the said congregation then and in such case it may be lawful for the aforesaid trustees and their successors to make sale of such part or parcel of the real or personal estate of the said corporation as a majority of the trustees and of the regular members of the said congregation shall by their votes direct, the money arising from such sale to be laid out and applied agreeably to the vote of a majority met as aforesaid.

[Section V.] (Section VI, P. L.) Be it further enacted by the authority aforesaid, That the said trustees and their successors shall not by deed nor any otherwise grant, alien, convey, or otherwise dispose of any part or parcel of the estate, real or personal in the said corporation vested or to be vested or charge or encumber the same to any person or persons whatsoever except in the manner and for the purposes herein before mentioned.

[Section VI.] (Section VII, P. L.) Be it further enacted by the authority aforesaid, That the said trustees their successors or a majority of them may from time to time meet as often as they shall think necessary for the benefit of the said corporation either on their own adjournment or on public notice from the pulpit the preceding Sabbath immediately after divine service and before the congregation is dismissed or on regular notice in writing left at the house of each of the trustees and that

the said trustees or a majority of them being so met be authorized and empowered and they are hereby authorized and empowered to elect and appoint from among themselves a president and also to elect and appoint from among themselves or other members of the said congregation a treasurer and secretary and to remove, change or continue all or either of them at their pleasure as shall seem to be most for the benefit of the said corporation.

(Section VIII, P. L.) Provided nevertheless, That the meeting or meetings of the said corporation be not called without the concurrence of two or more trustees or of three or more respectable members of said congregation with the president or without the particular business and reasons of the meeting being specified with the notification.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said trustees or a majority of them met as is herein before directed shall be authorized and empowered and they are hereby authorized and empowered to make rules, by-laws and ordinances and to do everything needful for the government and support of the secular affairs of the said corporation and congregation. Provided that the said by-laws, rules and ordinances or any of them be not repugnant to the laws of this commonwealth and also that all their laws and proceedings be fairly and regularly entered in a book to be kept for that purpose.

[Section VIII.] (Section X, P. L.) Be it further enacted by the authority aforesaid, That the said corporation and their successors shall have full power and authority to make, have and use one common seal with such device and inscription as they shall think fit and proper, and the same to break, alter and renew at their pleasure.

[Section IX.] (Section XI, P. L.) Be it further enacted by the authority aforesaid, That the said corporation and their successors by the name of "The Trustees of the Presbyterian Congregation of Pequea in the township of Salisbury and county of Lancaster," shall be able and capable in law to sue and be sued, plead and be impleaded in any court or before any judge or justice in all and all manner of suits, complaints, pleas,

matters and demands of whatsoever kind, nature or form they may be and all and every matter and thing therein to do in as full and effectual a manner as any other person or persons, bodies politic or corporate within this commonwealth may or can do.

[Section X.] (Section XII, P. L.) Be it enacted by the authority aforesaid, That the said corporation shall always [consist] of nine members (except as is herein after provided) called and known by the name of "The Trustees of the Presbyterian Congregation of Pequea in the township of Salisbury, and the county of Lancaster," and the said members shall at all times hereafter be chosen by ballot by a majority of such members (met together) of the said congregation as shall have been enrolled as stated worshippers with the said congregation for at least the space of one year and shall have paid one year's pew rent or other annual sum of money not less than ten shillings for the use and benefit of the said corporation and congregation and shall not at any time of voting be more than one-half year behind or in arrears for the same: Provided always, that the pastor or minister of the said congregation for the time being shall be entitled to vote equally with any member of the said congregation and also that all and every person or persons qualified to vote and elect as aforesaid shall and may be also capable of being elected a trustee as aforesaid.

[Section XI.] (Section XIII, P. L.) Be it enacted by the authority aforesaid, That the said Isaac McCalmont, Amos Slaymaker, James Armor, Thomas Slemons, Andrew Caldwell, Robert Byers, David Jenkins, Thomas Patton and the Reverend Robert Smith, the first and present trustees hereby incorporated shall be and continue trustees aforesaid until they be removed in manner following, That is to say, one-third part in number of the trustees aforesaid, being the third part herein first named and appointed, shall cease and discontinue and their appointment determine on the first Monday in the month of April which will be in the year of our Lord one thousand seven hundred and eighty-six, and the second third part herein named shall cease and discontinue and their appointment de-

termine on the first Monday in April which will be in the year one thousand seven hundred and eighty-seven and in like manner the last third part herein named shall cease and determine on the first Monday in April which will be in the year one thousand seven hundred and eighty-eight on which days in each of the aforementioned years respectively new elections shall be held of other trustees instead and in place of those whose appointments shall have ceased and terminated, which manner of discontinuance, determination and new appointment or election shall be continued on the first Monday in April every year hereafter forever so that no person shall be or continue a trustee longer than three years together without being re-elected which may be done whenever and as often as the members of said congregation qualified to vote as aforesaid shall think fit.

(Section XIV, P. L.) Provided always nevertheless, That whenever any circumstance or concurrence of circumstances shall happen to prevent the holding an election at the periods aforementioned for trustees instead and in place of those whose appointments shall have ceased and terminated, also whenever any vacancy shall happen by the death, refusal to serve or other removal of any one or more of the trustees of the said corporation and election shall be held as soon as conveniently can be done in [the] manner before directed for other trustees in the stead and in place of those whose appointments shall have ceased and terminated or for supplying such vacancies that may happen as aforesaid and that the remaining trustees have power to call a meeting of the electors of the congregation for such purposes.

[Section XII.] (Section XV, P. L.) Provided always and it is hereby enacted by the authority aforesaid, That the clear yearly value, interest or income of the lands, tenements, rents, annuities, or other hereditaments and real estate of the said corporation shall not exceed the sum of five hundred pounds gold or silver money at the present current value thereof in the commonwealth of Pennsylvania exclusive of pew rent and other free contributions belonging to the aforesaid congregation, which said money shall be received by the said trustees and

disposed of by them for the purposes and in manner herein before described and directed.

Passed February 5, 1785. Recorded L. B. No. 2, p. 393, etc. See the Acts of Assembly passed March 10, 1787, Chapter 1272; September 29, 1787, Chapter 1325; November 22, 1788, Chapter 1382.

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## CHAPTER MCXXV.

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AN ACT TO GRANT TO ARTHUR DONALDSON, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, THE EXCLUSIVE RIGHT OF MAKING AND USING IN THE RIVER DELAWARE A MACHINE CALLED HIPPO-POTAMOS BY HIM INVENTED, FOR THE CLEANSING OF DOCKS AND RAISING SAND, GRAVEL, DIRT AND OTHER THINGS FROM THE BED OF THE RIVER.

(Section I, P. L.) Whereas the docks in the port of Philadelphia have for many years past been filling up by means of dirt and rubbish washed thereinto by the land floods and deposited in times of freshets to the great injury of the commerce of the port and a remedy for the inconvenience has been long wished for but not being found the owners of the quays and wharves have been obliged to carry out piers to a great distance into the river in order to make docks to preserve shipping from the ice in winter whereby the channel of the Delaware opposite the city may be in danger of being diverted to the Jersey shore. And whereas Arthur Donaldson of the city of Philadelphia, shipwright, did in the year of our Lord one thousand seven hundred and seventy-four invent and construct at a great expense a machine called by him hippopotamos which he submitted to the inspection of a committee appointed by the general assembly of the late province of Pennsylvania appointed for that purpose, which committee reported that they had viewed the same and observed its operations and effects when applied to use and were of opinion that it would well answer the purpose of cleaning docks and removing beds of gravel, etc., and the inventor of that very useful machine ought to be recommended to the particular notice of the next assembly for

that encouragement which his merit entitled him to in pursuance of which recommendation the general assembly of the late province did resolve that the sum of one hundred pounds be allowed and given to the said Arthur Donaldson as a reward for his ingenuity in the said invention. And whereas during the invasion of this state by the troops of his Britanic Majesty the said machine was totally destroyed to the great loss of the inventor: And whereas the said Arthur Donaldson hath applied to this house for the exclusive privilege of constructing and using such machines within the jurisdiction of this state: And whereas it is consistent with the honor of this state to reward the inventors of useful machines and the most rational and just mode of such reward is and ought to be the exclusive advantage resulting from the invention for a term of years:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the publication of this act the said Arthur Donaldson, his executors, administrators and assigns shall have the sole and exclusive liberty and privilege of constructing, making, and using of machines for the purpose of raising, removing, mud, gravel, sand and other things from the beds of any bay, rivers, creeks, docks or other places within this commonwealth in the form, similitude and likeness of, or upon the same or like principles upon which the said machine called hippopotamos was constructed by him the said Arthur Donaldson in the said year of our Lord one thousand seven hundred and seventy-four and that no other person or persons whatsoever without the consent in writing first had and obtained of him the said Arthur Donaldson, his executors, administrators or assigns shall within the term of seven years from and after the passing of this act make, construct or use in any place within this commonwealth any machine for the raising or removing any mud, sand, gravel or other things whatsoever from the bed of the bay, rivers, creeks, docks, or other places covered with tide water within this commonwealth, formed, made or constructed in

the similitude or likeness or upon the same principles of or with the said machine invented by the said Arthur Donaldson and called hippipitamos. And that all and every such machine or machines so to be made, constructed or used within the jurisdiction of this commonwealth by any other person or persons without the consent of the said Arthur Donaldson, his executors, administrators or assigns, first had and obtained in writing in manner aforesaid shall be and they are hereby declared to be forfeited to and to become the absolute property of the said Arthur Donaldson, his executors, administrators and assigns, as fully and effectually as if the same were made and constructed at his own proper costs and charges and that in any action of replevin for any such machine to be brought by the said Arthur Donaldson, his executors, administrators or assigns, for such machine so made or used without his or their consent in writing first obtained in manner aforesaid, the sheriff, water bailiff, coroner, or other officer to whom such writ shall be delivered to be executed shall cause the said machine to be delivered with its appurtenances to him or them unless the defendant in the said writ or the possessor of the said machine shall produce to such officer immediately the said consent in writing so obtained from the said Arthur Donaldson, his executors, administrators or assigns, any claim of property by the defendant, or possessor notwithstanding and if the parties to the said writs or either of them shall choose to proceed to the trial of the property of such machine the sheriff or other officer shall return the said writs and such further proceedings shall be thereupon had as are usual in cases of replevins and such damages, costs and charges shall be had and recovered by the plaintiff or defendant as parties in writs of replevin by the laws of the land are entitled unto.

(Section III, P. L.) And whereas the inventor of this machine has had in view besides the cleansing the docks in the port of Philadelphia, the raising sand and gravel for use of the builders and other persons in the neighboring states taking advantage of the invention when brought to perfection may make, construct, and use others of the like kind, without the jurisdiction of this state, whereby the benefit intended to him, his executors, ad-

ministrators and assigns may be intercepted. To prevent the same:

[Section II.] It is hereby further enacted by the authority aforesaid, That no sand, gravel, stones or other like matter raised from the bottom or bed of the bay, or any river, creek or place covered with tide water by means of any machine constructed on the principles and similitude aforesaid, and made or used without this state, and without such consent in writing as aforesaid from the said Arthur Donaldson, his executors, administrators, or assigns first had and obtained shall be sold or exposed to sale within this commonwealth within the aforesaid term of seven years under penalty of forfeiture of the whole of such sand, gravel, stones and other matter of the like kind to the said Arthur Donaldson, his executors, administrators, or assigns, who will seize the same and prosecute the person offering the same for sale before one of the justices of the peace of the city, county or place where the same shall be offered for sale if the value thereof be under ten pounds lawful money of this state and before the court of common pleas of the city or county where the same shall be offered for sale if above the value of ten pounds, which prosecution shall commence by a writ or warrant from the prothonotary's office or justice of the peace as the case may be commanding the sheriff or any constable to seize the said sand, gravel, stones or other like matter and deliver possession of the same to the said Arthur Donaldson, his executors, administrators, or assigns, plaintiffs in such writ or warrant unless the defendant in the writ or warrant or the possessor of such sand, gravel, stones or other such matter will forthwith become bound with sufficient surety to such officer in a penal sum of double the value of the, conditioned that he will appear at the next court of common pleas or before such justice as the writ or warrant shall direct and there abide by and perform such judgment as by such court or justice shall thereupon be given. Provided always, that in all hearings and trials upon any such complaints the burden of proof shall always be on the said Arthur Donaldson, his executors, administrators, and assigns, and in case he or they making such complaints shall fail to produce such proofs as

ought according to the true intent and meaning of this act to entitle him or them to a recovery, he or they shall pay and be adjudged to pay full costs to the defendant for his or their false claimor but if he or they shall support his or their charge and allegation, then he or they shall recover as well the full value of the sand, gravel, stone or other such like matter as aforesaid as full costs and charges against the defendant or defendants.

(Section IV, P. L.) And in order to prevent the said Arthur Donaldson, his executors, administrators, and assigns, from demanding or taking an unreasonable price or prices from any of the citizens of this state for cleansing the docks in this port or other service performed or article furnished by means of the exclusive use of the said machine as aforesaid:

[Section III.] It is hereby enacted by the authority aforesaid, That whenever any dispute shall arise between the owners of the said machine and the owners of any dock concerning the price of cleansing the same or the price of any sand, gravel, stones or other such matter so produced and furnished, the wardens of the port of Philadelphia of a majority of them for the time being shall and they are hereby authorized and empowered to fix and assess the rate or price of cleansing such docks and the price of such articles so procured and furnished as aforesaid by the time; to which assessment the said Arthur Donaldson, his executors, administrators, and assigns shall during the term aforesaid always adhere and be bound by.

Passed February 7, 1785. Recorded L. B. No. 2, p. 398, etc.

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## CHAPTER MCXXVI.

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### AN ACT TO ENABLE THE COURTS OF QUARTER SESSIONS OF THE SEVERAL COUNTIES OF THIS COMMONWEALTH TO VACATE ROADS AND HIGHWAYS IN PROPER CASES.

(Section I, P. L.) Whereas in the course of the gradual improvement of a newly cultivated country the roads and highways which were first laid out and established have sometimes,

from the substituting of other and better courses and passages and from the altered circumstances of the commerce and intercourse of the inhabitants become useless and not only useless but inconvenient to the landholders through whose estates they pass as well as burdensome to the townships and districts which, by law are obliged to keep such roads and highways in repair: And whereas there is no general provision made for vacating roads and highways in the cases aforesaid and for want thereof applications to the legislature of this state became necessary to give special remedy in particular cases by acts of assembly whereby the sittings of the general assembly may be inconveniently lengthened and members thereof misled by partial and false suggestions and representations of interested persons especially when the applications for such interpositions of the legislative body relate to roads and highways lying remote from the seat of government where the attendance of the parties and their witnesses to verify the facts would be expensive and difficult if not impracticable; Wherefore, to give an easy, practicable and safe remedy in the premises and in order that no person may be deprived of his private and individual right in any way, highway or road of a public nature without being heard.

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the first day of March next the several courts of quarter sessions of the peace in their respective counties shall have authority upon application to inquire of and to vacate any public way, highway or road, or part of such public way, highway or road which they shall adjudge to be useless, inconvenient and burdensome and the said courts shall proceed therein by views thereof in like manner as they are authorized to do and as has been practised in the laying out of public ways and highways under the acts of assembly now in force for laying out highways and public roads and the judgment of any court of quarter sessions as aforesaid shall be effectual and conclusive in the premises if

the same be not appealed from in two years from and after the giving of any such judgment.

(Section III, P. L.) Provided always, That nothing in this act shall be understood to give any authority to any of the said courts of quarter sessions to vacate any lane, street or highway within the city of Philadelphia or within any borough or town-plot or any town or village in this state which hath been laid out by the late proprietaries or by any other person or persons and dedicated to public use nor to vacate any cartway laid out by order of court nor any road or passage claimed by any person as his or her private right and which cartway, road, way or passage, are not repairable at the charge of the township or district, nor to rivers or streams of water.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That when any application shall be made to the court of quarter sessions of any county in this state for the laying aside and vacating of any public way, highway or road, within the same county, such application shall be in writing, signed by the persons applying for the same and shall set forth the length, breadth, situation and other circumstances of the way, highway or road, or part thereof which the applicers desire to be so laid aside and vacated as aforesaid in a clear and intelligible manner and in order that the same may be publicly known such application shall be audibly read twice in open session on different days of the sessions whereat it shall be made and no further or other proceedings shall be then had thereon but the same shall be adjourned until the next court of general quarter sessions of the peace for the county when the same shall again be openly and audibly read twice on several days before the court proceed thereon.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That an appeal from the proceedings of any court of quarter sessions of the peace of any of the counties in this state as aforesaid shall lie and be allowed to the supreme court which court shall if the party applying for the same enter sufficient security for the costs and charges thereof; order and appoint another view of such way, highway or road and proceed thereon in like manner as the courts of

quarter sessions are enabled by this act to proceed and the determination and judgment of the supreme court upon such appeal shall be final.

Passed February 8, 1785. Recorded L. B. No. 2, p. 403. See the Act of Assembly passed March 21, 1772, Chapter 653.

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## CHAPTER MCXXVII.

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### AN ACT FOR ERECTING SOUTH DOCK WARD, BEING PART OF DOCK WARD, IN THE CITY OF PHILADELPHIA, INTO A NEW WARD.

(Section I, P. L.) Whereas many of the freeholders of South Dock ward have by their petition to the general assembly of this state represented the dangerous and unprotected condition they are in from thieves and robbers and other outrageous persons by reason of the extensiveness of Dock ward and their remoteness from the present justice who resides at the northernmost part thereof and by which means felons, misdoers, and other offenders often escape the punishment due to their demerits:

For remedy thereof,

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the passage of this act the said Dock ward shall be separated and divided into two distinct wards as follows, That is to say, That the houses, stores and lands, wharves, streets and alleys, from the south side of Spruce street, to and including the South street of the said city, and from the river Delaware fronting from Spruce to South streets, to the river Schuylkill on said streets, inclusively, together with all the rights, privileges and immunities, heretofore appertaining and belonging to said South Dock ward as if particularly enumerated be and they are hereby erected into a separate ward named and hereafter to be called New Market Ward.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said New Market ward shall be entitled to have two justices of the peace elect for the purpose of one being [appointed and commissioned] with assessors, collectors, constables, and such other officers as are chosen and appointed by law for any of the other wards in the said city: And shall also have all the powers, jurisdictions and authorities to all intents and purposes as the justices, assessors, collectors, constables and officers of any of the other wards as aforesaid have, use and enjoy.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the freeholders of the said New Market ward are hereby authorized and required to meet within twenty days after the passing of this act within the said ward and elect two fit persons as justices of the peace for New Market ward aforesaid conformably to the constitution and laws of this state for that purpose made and provided respecting the other wards of the said city.

Passed February 9, 1785. Recorded L. B. No. 2, p. 407, etc.

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## CHAPTER MCXXVIII.

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### AN ACT TO ALTER AND CONFIRM THE CHARTER OF THE CORPORATION FOR THE RELIEF OF THE WIDOWS AND CHILDREN OF CLERGYMEN IN COMMUNION OF THE CHURCH OF ENGLAND IN AMERICA.

(Section I, P. L.) Whereas in and by a certain charter of incorporation from the late proprietaries of the province, new state of Pennsylvania granted at Philadelphia the seventh day of February in the year of our Lord one thousand seven hundred and sixty-nine certain persons therein named were created a body corporate and politic by the style and name before stated:

(Section II, P. L.) And whereas the persons so incorporated, took upon them the execution of the trust and powers by the

said charter reposed and vested in them regularly transacting the business of the said corporation at stated meetings agreeably to the laws and constitutions made and enacted by virtue of the said charter and having received from time to time the subscriptions of the clergy, members of the said corporation, and sundry benefactions given by charitable and well disposed persons for the purposes in the said charter set forth:

(Section III, P. L.) And whereas a meeting of the said corporation was appointed to be held in the city of New York on the first Tuesday after the feast of St. Michael in the year of our Lord one thousand seven hundred and seventy-six according to the directions of the said charter, and the laws and constitutions aforesaid; but the said intended meeting was prevented by the British forces having invaded the state of New York, and possessed themselves of the said city in consequence whereof the said corporation were disabled from choosing their officers and taking the necessary measures for the further management of the funds and transactions of the business by the said charter committed to them.

(Section IV, P. L.) And whereas members of the said corporation sufficient to transact the business thereof agreeably to the laws and constitutions aforesaid assembled at the said city of New York as soon as they conveniently could after the evacuation of the said city; to-wit, on the said Tuesday after the feast of St. Michael in the preceeding year:

(Section V, P. L.) And whereas the members assembled as aforesaid have by their humble petition applied to this house for the confirmation of their charter and for making sundry alterations therein as set forth in their said petition:

Therefore,

[Section I] (Section VI, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the passing of this act, no objection shall lie against the existence and rights of the said corporation on account of the non use of the powers granted to them by the said charter.

[Section VII, P. L.] And whereas it is provided in the said charter, that the by-laws of the said corporation shall not be contrary to the laws of that part of Great Britain called England:

[Section II.] Be it enacted by the authority aforesaid, That the said clause is hereby annulled and repealed, instead whereof it is hereby provided and enacted, that the by-laws and regulations of the said corporation shall not be contrary to the laws of this commonwealth.

[Section III.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That the said corporation shall hereafter be called and named "The Corporation for the relief of the widows and children of clergymen of the Protestant Episcopal Church in the United States of America."

[Section IV.] (Section IX, P. L.) And be it enacted by the authority aforesaid, That the last clause in the said charter subjecting the accounts and proceedings of the said corporation to the revisal and ratification therein specified be hereby annulled and repealed; instead whereof it is hereby enacted, that the said accounts may hereafter be revised, checked and confirmed in the manner expressed in the said charter by the president of the supreme executive council, the chief justice and the attorney-general of this commonwealth for the time being or any two of them.

[Section V.] (Section X, P. L.) And be it enacted by the authority aforesaid, That the said charter and every part thereof is hereby confirmed except such parts thereof as are by this act, altered and repealed.

Passed February 9, 1785. Recorded L. B. No. 2, p. 405, etc. See the Act of Assembly passed March 28, 1797, Chapter 1939.

## CHAPTER MCXXIX.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR REGULATING, PITCHING, PAVING AND CLEANSING THE HIGHWAYS, STREETS, LANES AND ALLEYS; AND FOR REGULATING, MAKING AND AMENDING THE WATERCOURSES AND COMMON SEWERS WITHIN THE INHABITED AND SETTLED PARTS WITHIN THE CITY OF PHILADELPHIA; FOR RAISING OF MONEY TO DEFRAY THE EXPENSES THEREOF AND FOR OTHER PURPOSES THEREIN MENTIONED."<sup>1</sup>

(Section I, P. L.) Whereas the street commissioners for the time being have by their petition represented to this house that the wages of five shillings per day allowed them by the aforesaid act of general assembly passed the eighteenth day of February one thousand seven hundred and sixty-nine is by no means adequate to their services;

For remedy whereof:

[Section I.] Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the passing of this act, the commissioners for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, and for regulating, making and amending the water courses and common sewers within the inhabited and settled parts of the city of Philadelphia for the services required and enjoined them by the act to which this act is a supplement shall be paid by the treasurer the sum of ten shillings each for every day's attendance on that particular service, which shall be to the commissioners for the time being in lieu and stead of the five shillings per day heretofore allowed them by the said recited act of general assembly in full satisfaction for all the attendance and services required of them by force and virtue of the said act to which this act is a supplement and no more.

Passed February 9, 1785. Recorded L. B. No. 2, p. 408, etc.

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<sup>1</sup> Passed February 18, 1769, Chapter 594.

## CHAPTER MCXXX.

AN ACT TO AUTHORIZE AND DIRECT THE IMMEDIATE PAYMENT OF THE SUM OF FIFTEEN THOUSAND POUNDS STERLING TO THE DEVISEES AND LEGATEES OF THOMAS PENN AND RICHARD PENN AND TO THE WIDOW AND RELICT OF THE SAID THOMAS PENN, BEING THE FIRST YEARLY PAYMENT DIRECTED TO BE PAID TO THEM BY AN ACT OF ASSEMBLY OF THIS COMMONWEALTH, ENTITLED "AN ACT FOR VESTING THE ESTATE OF THE LATE PROPRIETARIES OF PENNSYLVANIA IN THE COMMONWEALTH."<sup>1</sup>

(Section I, P. L.) Whereas in and by an act of general assembly of this commonwealth entitled "An act for vesting the estate of the late proprietaries of Pennsylvania in the commonwealth,"<sup>1</sup> passed on the twenty-seventh day of November which was in the year of our Lord one thousand seven hundred and seventy-nine it was for the consideration therein mentioned enacted and provided that the sum of one hundred and thirty thousand pounds sterling money of Great Britain should be paid out of the treasury of this state to the heirs and devisees of Thomas Penn and Richard Penn, late proprietaries of Pennsylvania respectively and to the widow of Thomas Penn in such proportions as should hereafter by the Legislature be deemed equitable and just upon a full investigation of their respective claims but that no part of the said sum of one hundred and thirty thousand pounds sterling should be paid as aforesaid within less than one year after the termination of the present war between the United States of America and Great Britain nor more than twenty thousand pounds sterling nor less than fifteen thousand pounds sterling thereof should be paid or payable in any one year until the whole sum be discharged, and that the first annual payment thereof be made at the expiration of one year after the termination of the war:

(Section II, P. L.) And whereas the late general assembly of this commonwealth mindful of the premises did by an act entitled "An act to empower the supreme executive council to

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<sup>1</sup> Passed November 27, 1779, Chapter 874.

sell the barracks in the Northern Liberties of the city of Philadelphia,"<sup>2</sup> enacted on the first day of April last, empower the president or vice president in council to cause to be set up to public sale, and to sell and convey to the purchasers thereof the said barracks and the lot of ground whereon they were situated and did appropriate the money arising from the sale aforesaid to satisfy the first annual sum of fifteen thousand pounds sterling due and payable to the heirs and devisees of Thomas Penn and Richard Penn and to the widow and relict of Thomas Penn as aforesaid:

(Section III, P. L.) And whereas the late war between the United States of America and Great Britain was happily and finally terminated and ended and peace fully established between the parties engaged in the late war by the signing of the definitive treaty made at Paris on the third day of September which was in the year of our Lord one thousand seven hundred and eighty-three, and more than one year hath elapsed since the termination of the war aforesaid; and it is just and proper that the first annual payment as aforesaid should be made:

Therefore;

[Section I.] (Section IV, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the sum of fifteen thousand pounds sterling money of Great Britain be immediately paid as by the act first recited is directed on warrant or warrants for the same signed by the president or vice-president in council on the treasurer of this state, such warrant to be first entered in the office of the comptroller-general and to be made payable to the person or persons who shall be legally empowered to receive and give proper acquittance for the same: and if any controversy shall arise among and between the several claimants thereof the president or vice-president in council shall and may at their discretion nevertheless proceed to pay the said sum of fifteen thousand pounds sterling to and amongst the representatives of the said Thomas Penn and Richard Penn and the widow of the said Thomas Penn as aforesaid or such of them as shall

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<sup>2</sup> Passed April 1, 1784, Chapter 1097.

choose to receive the same, taking security nevertheless if the supreme executive council shall deem it necessary, that the money so paid shall be justly and fairly distributed and applied according to the true intent and meaning of the act before recited entitled, "An act for vesting the estates of the late Proprietaries of Pennsylvania in the Commonwealth,"<sup>1</sup>

(Section V, P. L.) And whereas the said sale of the said barracks and lot of ground will not produce a sum sufficient for the payment of the said fifteen thousand pounds sterling now due, and which ought to be paid as aforesaid and it is therefore proper and necessary to make further provision for making such payment:

[Section II.] (Section VI, P. L.) Be it enacted by the authority aforesaid, That in addition to the moneys which have arisen and shall arise and come into the treasury of this state from and on account of the sale of the said barracks and lot of ground there be and shall be appropriated so much as shall be necessary to make up the residue of the said fifteen thousand pounds sterling, of the moneys which have been received or arisen, and become due for imposts, or duties on goods, wares and merchandise imported into this state, between the twenty-fifth day of March last and the first day of November last; and in case any of the money arising or to arise from the sale of the said barracks and lot of ground shall be outstanding, or not paid into the treasury at the passing of this act, then a sum equal to such outstandings shall be advanced out of the said imposts and duties and such advancement shall be adjusted by the treasurer when such outstanding money shall be paid into the treasury.

[Section III.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said sum of fifteen thousand pounds sterling shall be paid as aforesaid in English guineas weighing five pennyweights and six grains each at the rate of twenty-one shillings each or in Spanish milled dollars weighing seventeen pennyweights and six grains each at the rate of four shillings and sixpence each, or in other gold or silver coin at the like rate or proportionate value together with lawful interest from the [said] third day of Septem-

ber last, to the time of payment or offer of payment by the supreme executive council of the said fifteen thousand pounds, such offer of payment shall be by calling upon the persons entitled to receive the said sum of fifteen thousand pounds to appear in person or by [his or their] lawful attorney [or attorneys] by notice to that effect, published in three successive weekly newspapers of Philadelphia; ten days after the last of which notices all interest upon the said sum shall cease.

Passed February 10, 1785. Recorded L. B. No. 2, p. 409, etc. See the Act of Assembly passed March 28, 1787, Chapter 1284.

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## CHAPTER MCXXXI.

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### AN ACT TO DISSOLVE THE MARRIAGE OF NATHANIEL IRWIN AND MARTHA, HIS WIFE.

(Section I, P. L.) Whereas Nathaniel Irwin, of the township of Warrington and county of Bucks, minister of the gospel, hath applied to this general assembly by petition, therein setting forth that his wife Martha hath been guilty of adultery and by such and other parts of her conduct has induced him to pray the legislature to grant him a divorce from her the said Martha:

(Section II, P. L.) And whereas by authenticated copies of the records of two several courts of justice as well as by other evidence the house are fully convinced the said Martha Irwin hath been guilty of the crime with which she is charged in said petition:

Therefore,

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the marriage of the said Nathaniel Irwin with the said Martha Irwin be dissolved, and it is accord-

ingly hereby dissolved and declared to be null and void as fully and effectually to all intents and purposes as if the same had never been contracted.

Passed February 17, 1785. Recorded L. B. No. 2, p. 412, etc.

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## CHAPTER MCXXXII.

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### AN ACT FOR THE BETTER SECURING PERSONAL LIBERTY AND PREVENTING WRONGFUL IMPRISONMENTS.

(Section I, P. L.) Whereas personal liberty is a principal blessing derived from free constitutions of government and certain methods of proceeding should be prescribed so that all wrongful restraints thereof may be easily and speedily redressed:

[Section I.] Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That if any person shall be or stand committed or detained for any criminal or supposed criminal matter unless for treason or felony the species whereof is plainly and fully set forth in the warrant of commitment in vacation time and out of term it shall and may be lawful to and for the person so committed or detained or any one on his or her behalf to appeal or complain to any judge of the supreme court or to the president of the court of common pleas for the county within which the person is so committed or detained and such judge or justice upon view of the copy or copies of the warrant or warrants of commitment or detainer or otherwise upon oath or affirmation legally made that such copy or copies were denied to be given by the person or persons in whose custody the prisoner is detained is hereby authorized and required upon request made in writing by such prisoner or any person on his or her behalf attested and subscribed by two witnesses who were present at the delivery of the same to award and grant an habeas corpus

under the seal of the court whereof he shall then be a judge or justice to be directed to the person or persons in whose custody the prisoner is detained returnable immediate before the said judge or justice, and to the intent that no officer, sheriff, gaoler, keeper or other person to whom such writ shall be directed may pretend ignorance of the import thereof every such writ shall be made in this manner, by act of assembly, one thousand seven hundred and eighty-five, and [shall] be signed by the judge or justice who awards the same and whenever the said writ shall by any person be served upon the officer, sheriff, gaoler, keeper or other person whatsoever to whom the same shall be directed by being brought to him or by being left with any of his under officers or deputies at the gaol or place where the prisoner is detained he or some of his under officers or deputies shall within three days after the service thereof as aforesaid upon payment or tender of the charges of bringing the said prisoner to be ascertained by the judge or justice who awarded the writ and thereon indorsed not exceeding twelve pence per mile and upon security given by his own bond to pay the charges of carrying him back if he shall be redemanded, and not to escape by the way, make return of such writ and bring or cause to be brought the body of the prisoner unto or before the judge or justice before whom the said writ is made returnable and in case of his absence before any other of the judges or justices aforesaid and shall then likewise specifically and fully certify the true cause or causes of the commitment and detainer of the said prisoner and when he was committed unless the commitment be in any place beyond the distance of twenty miles from the place where such judge or justice shall be residing, and if beyond the distance of twenty miles and not above one hundred miles then within ten days and if beyond the distance of one hundred miles then within twenty days, and thereupon the judge or justice before whom the prisoner shall be so brought shall within two days discharge the prisoner from imprisonment taking his or her recognizance with one or more surety or sureties in any sum according to his discretion, having regard to the circumstances of the prisoner and the nature of the offence for his or her appearance at the next court of

oyer and terminer, general gaol delivery, or general quarter sessions of or for the county, city or place where the offence was committed or in such other court where it may be properly cognizable as the case shall require and then shall certify the said writ with the return thereof and the said recognizances into the court where such appearance is to be made unless it shall appear to the said judge or justice that the party so committed is detained upon legal process, order or warrant for such matter or offences for which by the law the said prisoner is not bailable and that the said judge or justice may according to the intent and meaning of this act be enabled by investigating the truth of the circumstances of the case to determine whether according to law the said prisoner ought to be bailed, remanded or discharged, the return may before or after it is filed by leave of the said judge or justice be amended and also suggestions made against it that thereby material facts may be ascertained.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That in term time it shall and may be lawful for any prisoner as aforesaid in manner aforesaid to move and obtain his or her habeas corpus out of the supreme court or the court of common pleas for the county in which he or she is imprisoned whereupon proceedings shall be had as aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person shall be committed for treason or felony and shall not be indicted and tried some time in the next term, session of oyer and terminer, general gaol delivery or other court where the offence is properly cognizable after such commitment it shall and may be lawful for the judges or justices thereof and they are hereby required upon the last day of the term, sessions or court to set at liberty the said prisoner upon bail unless it shall appear to them upon oath or affirmation that the witnesses for the commonwealth mentioning their names could not then be produced and if such prisoner shall not be indicted and tried the second term, sessions, or court, after his or her commitment, unless the delay happen on the application or with the assent of the defendant

or upon trial shall be acquitted he or she shall be discharged from imprisonment.

(Section IV, P. L.) Provided always, That nothing in this act shall extend to discharge out of prison any person guilty of or charged with treason, felony, or other high misdemeanor in any other state and who by the confederation [ought] to be delivered up to the executive power of such state nor any person guilty of or charged with a breach or violation of the laws of nations.

(Section V, P. L.) Provided also, That nothing in this act shall extend to discharge out of prison any person charged with debt or other action or with process in any civil cause but that after discharge for such criminal or supposed criminal matter he or she shall be kept in custody according to law for such other suit.

(Section VI, P. L.) And that no person may avoid his or her trial by procuring a removal so that he or she cannot be brought back in time:

[Section IV.] Be it enacted by the authority aforesaid, That no person shall be removed upon any habeas corpus granted in pursuance of this act within fifteen days next preceding the term, sessions of oyer and terminer, general gaol delivery, or other court, where the offence with which he or she stands charged is properly cognizable; but upon such habeas corpus shall be brought before the judges or justices thereof who are thereupon to do what to justice shall appertain.

(Section VII, P. L.) Provided nevertheless, That after such court the person detained may have his or her habeas corpus according to this act.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any judge or justice aforesaid being appealed or complained to as aforesaid upon view of the copy or copies of the warrant or warrants of the commitment or detainer or upon oath or affirmation made that such copy or copies were denied as aforesaid shall refuse or neglect to award any writ of habeas corpus by this act required to be granted he shall forfeit to the prisoner or party grieved the sum of three hundred pounds to be recovered by the said pris-

oner or party grieved, his or her executors or administrators against such offender, his executors or administrators by action of debt, suit, bill, plaint or information in any court of record wherein no issencion, protection, privilege, injunction, wager of law, or stay of prosecution shall be allowed or any more than one imparlance.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any officer, sheriff, gaoler, keeper or other person to whom any such writ shall be directed as aforesaid, or any of his under officers or deputies, shall refuse or neglect to make the returns aforesaid or to bring the body of the prisoner according to the command of the said writ within the respective times aforesaid, all and every such officer, sheriff, gaoler, keeper or other person, under officer or deputy shall be guilty of a contempt of the court under the seal of which the said writ shall have issued and shall also for the first offence forfeit to the prisoner or party grieved one hundred pounds and for the second offence two hundred pounds and shall be and is hereby incapable to hold or execute his said office the said forfeitures to be recovered by the prisoner or party grieved in manner aforesaid.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any officer, sheriff, gaoler, keeper or other person to whom such writ shall be directed as aforesaid or any of his under officers or deputies upon demand by the prisoner or some person in his or her behalf shall refuse to deliver, or within six hours after demand, shall not deliver to the prisoner or person so demanding a true copy or copies of the warrant or warrants of commitment and detainer of such prisoner which are hereby required to be delivered all and every such officer, sheriff, gaoler, keeper or other person, under officer or deputy so offending shall for the first offence forfeit to the prisoner or party grieved one hundred pounds and for the second offence two hundred pounds, and shall also be and is hereby made incapable to hold or execute his said office; the said forfeiture to be recovered by the prisoner or party grieved in manner aforesaid.

(Section XI, P. L.) And for preventing unjust vexation by reiterated commitments for the same offence:

[Section VIII.] Be it further enacted by the authority aforesaid, That no person who shall be delivered or set at large upon an habeas corpus shall at any time thereafter be again committed or imprisoned for the same offence by any person or persons whatsoever other than by the legal order and process of such court wherein he or she shall be bound by recognizance to appear or other court having jurisdiction of the cause and if any other person or persons shall knowingly contrary to this act re-commit or imprison or knowingly procure or cause to be re-committed or imprisoned for the same offence or supposed offence any person delivered or set at large as aforesaid or be knowingly aiding or assisting therein then he or they shall forfeit to the prisoner or party grieved any pretence of variation in the warrant or warrants of commitment notwithstanding the sum of five hundred pounds to be recovered by the prisoner or party grieved in manner aforesaid.

[Section IX.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That any person being committed to any prison or in custody of any officer, sheriff, gaoler, keeper or other person, or his under officer or deputy for any criminal or supposed criminal matter shall not be removed from the said prison or custody into any other prison or custody unless it be by habeas corpus or some other legal writ or where the prisoner is delivered to the constable or other inferior officer to be carried to some common gaol or where any person is sent by any judge or justice having proper authority to some common work-house or house of correction or where the prisoner is removed from one place to another within the same county in order to his or her trial or discharge in due course of law or in case of sudden fire or infection or other necessity; and if any person or persons shall after such commitment as aforesaid, make out, sign, counter-sign, and issue any warrant or warrants for such removal except as before excepted then he or they shall forfeit to the prisoner or party grieved two hundred pounds to be recovered by the prisoner or party grieved in manner aforesaid.

[Section X.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all the provisions herein before made for the awarding and granting writs of habeas corpus and proceeding thereon in case of commitment or detainer for any criminal or supposed criminal matter shall in like manner extend to all cases where any person not being committed or detained for any criminal or supposed matter shall be confined or restrained of his or her liberty under any color or pretence whatsoever and that upon oath or affirmation made by such person so confined or restrained or by any other in his or her behalf of any actual confinement or restraint and that such confinement or restraint to the best of the knowledge and belief of the person so applying is not by virtue of any commitment or detainer for any criminal or supposed criminal matter an habeas corpus directed to the person or persons so confining or restraining the party as aforesaid shall be awarded and granted in the same manner and under the same penalties to be recovered from the same persons as is herein before directed and the court, judge or justice before whom the party so confined or restrained shall be brought shall after the return made proceed in the same manner as is herein before prescribed to examine into the facts relating to the case and into the cause of such confinement or restraint and thereupon either bail, remand or discharge the party so brought as to justice shall appertain.

[Section XI.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That whensoever any writ of habeas corpus awarded and granted either in term or vacation time for any person so confined or restrained without a commitment for any criminal or supposed criminal matter shall be served upon the person or persons so confining or restraining such party by being brought to such person or persons or by being left at the place where the party shall be so confined or restrained, the person or persons so confining such party shall make return of such writ and bring or cause to be brought the body of such party according to the command thereof within the respective times limited and under the provisions herein before prescribed and every such person refusing or neglecting so to make

return of such writ or to bring or cause to be brought the body of the party according to the command thereof within the times respectively limited and under the provisions herein before prescribed shall be guilty of a contempt of the court under the seal of which the said writ shall have issued and shall also forfeit for the first offence to the party grieved one hundred pounds and for the second offence two hundred pounds to be recovered by him or her, his or her executors or administrators against the offender, his or her executors or administrators in manner aforesaid.

[Section XII.] (Section XV, P. L.) Provided always and be it further enacted by the authority aforesaid, That no person shall be sued, impleaded, molested or troubled for any offence against this act unless such person be sued or impleaded for the same within two years after the time wherein the said offence shall have been committed in case the party grieved shall not be then in prison or confined or restrained as aforesaid and if the said party shall be then in prison or so confined or restrained then within two years after the decease of the person imprisoned or so confined or restrained or his or her delivery out of prison or from such confinement or restraint.

[Section XIII.] (Section XVI, P. L.) And be it also enacted by the authority aforesaid, That in or upon any action, suit, bill, plaint or information for any offence against this act the defendant or defendants may plead the general issue and give the special matter in evidence.

Passed February 18, 1785. Recorded L. B. No. 2, p. 419, etc.

## CHAPTER MCXXXIII.

AN ACT TO GIVE THE BENEFIT OF TRIAL BY JURY TO THE PUBLIC OFFICERS OF THIS STATE AND TO OTHER PERSONS WHO SHALL BE PROCEEDED AGAINST IN A SUMMARY MANNER BY THE COMPTROLLER-GENERAL OF THIS STATE.

(Section I, P. L.) Whereas the act of general assembly of this commonwealth, entitled "An act for methodising the department of accounts of the commonwealth and for the more effectual settlement of the same,"<sup>1</sup> which was passed on the thirteenth day of April, in the year of our Lord one thousand seven hundred and eighty and two, directing and empowering the comptroller-general of the state to liquidate, adjust and settle according to law and equity all accounts between this state and any officer of the same and every other person or persons (except as is therein excepted) and authorizing the said officer to compel divers persons who were possessed of moneys or effects of the commonwealth to exhibit their several accounts in order that the same accounts might be settled as aforesaid and directing the said comptroller-general to transmit the settlement which he should make of any such account, together with the vouchers thereunto belonging to the supreme executive council, who, if satisfied with the justice of the same should by warrant upon the treasurer of the state direct payment of any balance which may appear to be thereupon due to the party entitled to receive the same and in cases wherein balances shall appear as aforesaid to be due to the commonwealth by such accountants or others respectively to proceed by a summary mode to recover and levy the same to the use of the commonwealth. And whereas upon experience it hath been found that the summary powers aforesaid without any opportunity of re-hearing or re-examining the settlements, balances, or sums, declared and pronounced to be due and payable as aforesaid have not in all cases proved satisfactory to the persons interested in or affected

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<sup>1</sup> Passed April 13, 1782, Chapter 970.

by the aforesaid proceedings of the comptroller-general and it would much conduce to the relief of such persons and also greatly strengthen the said officer in the performance of his duty in the premises if the awards by him made touching the premises severally might be revised and in case of mistake in point of fact or error in law the same might be corrected.

(Section II, P. L.) And whereas it will be agreeable to the constitution of this state which hath declared, that "trial by jury shall be as heretofore," that persons conceiving themselves to be aggrieved by the proceedings of the said comptroller-general should be allowed to have trial of the facts by a jury and questions of law arising thereupon determined in a court of record. And whereas application hath been made to this house by the comptroller-general for the purpose,

Therefore;

[Section I.] (Section III, P. L.) Be it enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act in every case where the comptroller-general shall settle an account in pursuance of the said recited act of assembly and transmit such settlement of account to the supreme executive council as aforesaid for their approbation and if the party whose account shall be thus settled and transmitted be dissatisfied therewith, it shall and may be lawful for such party within one month after notice given to him, her or them, by the said comptroller-general that the settlement of his, her or their account is approved of by the supreme executive council but not afterwards to appeal from such settlement or award of said comptroller-general against such person or persons to the supreme court, which appeal shall accordingly be allowed by the supreme executive council provided the said party enter sufficient security with one of the justices of the supreme court or before the president of the court of common pleas of the county of Philadelphia within ten days next after such appeal to prosecute such appeal with effect and to pay all costs and charges which the supreme court shall award and also pay any sum of money which shall appear by the judgment of the said court to be due from

him, her or them to the commonwealth or in default thereof to surrender her or himself or themselves prisoner or prisoners to the sheriff of the county.

[Section II.] (Section IV, P. L.) Provided nevertheless and be it enacted by the authority aforesaid, That where any proceedings shall be had against any person or persons who upon summons and demand made in pursuance of the act aforesaid shall have refused or neglected to exhibit his, her or their accounts to the said comptroller-general as by the said act is directed such person or persons shall not be allowed any appeal from the award of the said comptroller-general but the same shall be final.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the supreme court upon any such appeal being lodged as aforesaid shall direct such forms of proceeding and such issues to be tried as shall appear to the court most proper and expediting to do justice therein and in case it be necessary the said court may direct the party to declare against the attorney-general who shall appear and plead thereto in behalf of the commonwealth, but the court shall not allow of any plea to a declaration filed by the attorney-general upon any matter which shall come before the said court in pursuance of this act other than the general issue unless the same be verified by the affidavit of the defendant or defendants and no demurrer shall be allowed to any such declaration for want of pursuing the usual forms in such cases, but it shall be sufficient in all actions upon the case or upon account to allege that the defendant or defendants was or were indebted to the commonwealth of Pennsylvania for money had and received to the use of the said commonwealth and that payment thereof hath not been made.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if the supreme executive council be dissatisfied with the settlement of any account as aforesaid by the comptroller general in pursuance of any act or be of opinion that a legal discussion of the same will tend to a furtherance of justice, That it shall and may be lawful for the supreme executive council to direct the attorney general to in-

stitute a suit against the party with whose account they may be dissatisfied as aforesaid, in the supreme court by writ of capias ad respon deudum, wherein like proceedings shall be had as in civil actions instituted in the courts of common pleas of the colonies of this state.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That wherever any appeal shall be made as aforesaid to the said supreme court and security entered in the manner before directed or where the supreme executive council shall direct a suit to be instituted as aforesaid in the said supreme court for the purpose of a re-settlement of any account in the said supreme court that then and in every such case the supreme executive council shall send to the said supreme court a transcript of the whole account in controversy settled by the said comptroller-general and approved or rejected by them within the two first days of the next term after the said appeal shall be made and that then in case it shall appear by the transcript of the said settlement of accounts by the said comptroller-general that the said party is indebted to the commonwealth, the attorney-general shall file a declaration against the said appellant instanter for money had and received by him or her to the use of the commonwealth to which the party shall plead the general issue without any imparlance being allowed and issue being immediately joined upon the same the said court may award a venire returnable in the same term or at a future term in their discretion, commanding the sheriff to summon a jury for the trial of the said issue on such day as the court shall direct which jury shall be liable to like penalties for non-attendance as if they had been summoned ten days before hand agreeable to former acts of assembly and upon a full investigation by the court and jury of the merits of the case if a verdict be found and confirmed in favor of the commonwealth against the said party for any sum of money in arrear and due by the said party to the commonwealth the same shall be final and conclusive and execution shall issue accordingly as in cases between party and party and no appeal or writ of error shall lie upon the said judgment, but if on such trial a balance shall be found by the jury to be due from the

commonwealth to the party whose accounts shall have been settled and the court shall confirm the verdict then the justices of the supreme court shall certify the same to the supreme executive council with the amount of the costs which shall be taken and considered as the balance justly due to the party who shall grant such order for the payment thereof on the public treasury in such manner as by the said recited act is directed on settlement of a public account by the comptroller-general being transmitted to them and their being satisfied therewith.

(Section VIII, P. L.) And whereas it will be expensive and may be difficult upon the trial of any suit, action or issue in the supreme court as allowed or directed by this act to obtain such testimony from distant places within this state as may be necessary to come at the truth of the facts which shall be alleged:

[Section VI.] (Section IX, P. L.) Be it therefore enacted by the authority aforesaid, That where it shall be necessary to have the testimony of witnesses residing in this state but without the counties of Philadelphia, Bucks, Chester or Montgomery the court upon motion may by rule of court order that the depositions of witnesses be taken and that the same shall be admitted as evidence as is usual in the case of witnesses who are unable to travel, provided the party applying for the same pay all the costs and charges thereof, or in case the supreme court should be of opinion that the trial ought to be held in the county where the cause of action hath arisen the said supreme court may in their discretion refer the same to be tried at nisi prius or direct such issue to be tried in the court of common pleas of such county and such court of common pleas is hereby authorized to preside at such trial accordingly and thereupon to certify the verdict which shall be given by the jury to the said supreme court that judgment may be entered thereon.

(Section X, P. L.) And whereas by the act aforesaid authority was given to the comptroller-general to re-examine and settle all accounts which have been formerly settled by the auditors or commissioners for settling public accounts or committees of the general assembly and in case any material error should be discovered therein to call upon the proper persons which au-

thority hath enabled the said comptroller-general to recover to the use of the commonwealth divers sums of money:

[Section VII.] (Section XI, P. L.) Be it therefore enacted by the authority aforesaid, That the said comptroller-general is hereby authorized to review and re-settle any account which he himself hath settled or shall settle and which shall not be appealed from or upon which no issue or issues shall have been tried as aforesaid and if he shall find any moneys to have been wrongfully awarded or paid or shall discover other or further sums of money unaccounted for to proceed anew thereupon to do justice to the commonwealth or to the party as the case may be and his award in such case shall be of like effect as in the original settlements of public accounts herein before mentioned, provided such error be discovered within one year from the passing of the act or in the case of accounts hereafter settled within one year from and after the award of the said officer in any case which shall be laid before the supreme executive council after which times respectively the settlements and awards aforesaid shall not be again opened or questioned but the party, his heirs, executors or administrators shall be forever quieted touching the same.

[Section VIII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the settlement of any public account by the comptroller-general and confirmation thereof by the supreme executive council whereby any balance or sum of money shall be found due from any person to the commonwealth shall be deemed and adjudged to be a lien on all the real estate of such person throughout this state in the same manner as if judgment had been given in favor of the commonwealth against such person for such debt in the supreme court and if after an appeal from the said settlement of account by or award of the said comptroller-general and confirmation thereof by the supreme executive council the said settlement shall be confirmed, the said supreme court shall award interest thereon from the date of the confirmation of the said settlement of account by the supreme executive council and costs to be paid by the appellant.

[Section IX.] (Section XIII, P. L.) Provided always and be it enacted by the authority aforesaid, That in any action instituted in pursuance of this act or upon any issue formed between the commonwealth and any person or persons for whom or against whom the said comptroller-general shall have awarded balances of account or sums of money as aforesaid the court may with the consent of the attorney-general and party as is usual in such cases appoint referees or auditors as the case may require to settle the said accounts and report to the court whose report if confirmed by the court shall have the like effect and there shall be the like proceedings as in the case of a verdict of a jury and judgment given thereon accordingly as aforesaid.

Passed February 18, 1785. Recorded L. B. No. 2, p. 413, etc. See the Act of Assembly passed August 26, 1786, Chapter 1230.

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## CHAPTER MCXXXIV.

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AN ACT TO REPEAL AN ACT OF ASSEMBLY, ENTITLED "AN ACT TO VEST IN ISAAC AUSTIN A CERTAIN MESSUAGE, WHARF, FERRY AND FERRY LANDING, SITUATE ON THE NORTH SIDE OF MULBERRY STREET, AT THE EASTERNMOST EXTREMITY THEREOF, IN THE CITY OF PHILADELPHIA, LATE THE PROPERTY OF WILLIAM AUSTIN, ATTainted OF HIGH TREASON,"<sup>1</sup> AND TO RESTORE THE POSSESSION OF THE REAL ESTATE THEREIN MENTIONED TO GEORGE ADAM BAKER.

(Section I, P. L.) Whereas an act of assembly, entitled "An act to vest in Isaac Austin a certain messuage, wharf, ferry and ferry landing, situated on the north side of Mulberry street at the easternmost extremity thereof in the city of Philadelphia late the property of William Austin attainted of high treason,"<sup>1</sup> passed on the sixth day of August last by which for reasons therein set forth the said messuage, wharf, ferry and ferry-landing in the said act described late the estate of William Austin an attainted traitor were declared to be vested, granted, con-

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<sup>1</sup> Passed August 6, 1784, Chapter 1103.

firmed and established in the said Isaac Austin, his heirs and assigns forever, he paying into the treasury of the state the sum of seven hundred and sixteen pounds three shillings and three pence one farthing, and the sheriff of the city and county of Philadelphia was in and by the same act enjoined, commanded, authorized and required to deliver unto the said Isaac Austin the peaceable and quiet possession of the premises aforesaid.

(Section II, P. L.) And whereas it appears to this house that the sheriff of the said city and county did on the twenty-sixth day of August last, cause possession of the premises to be delivered to the said Isaac Austin.

(Section III, P. L.) And whereas it further appears to this house that the said Isaac Austin did not pay into the treasury of the state the said sum of seven hundred and sixteen pounds three shillings and three pence one farthing, nor any part thereof, before the ninth day of November last, when the said Isaac Austin paid into the treasury of this state the sum of four hundred pounds and no more; so that no estate by virtue of the said act had been vested in the said Isaac Austin when possession thereof was delivered to him as aforesaid.

(Section IV, P. L.) And whereas the sum of three hundred and sixteen pounds three shillings and three pence one farthing part of the said sum of seven hundred and sixteen pounds three shillings and three pence one farthing upon the payment of which as a condition precedent; the same estate was by the act aforesaid to be vested, granted, confirmed and established in the said Isaac Austin, remain unpaid into the treasury of this state, until the twelfth day of January last.

(Section V, P. L.) And whereas at the time at which the act of assembly aforesaid was passed there was an ejectment depending in the court of common pleas of the county of Philadelphia which had been instituted by the said George Adam Baker against the said Isaac Austin for the recovery of a small tenement parcel of the premises whereby the respective pretensions and claims of the said George Adam Baker, and of the said Isaac Austin to the same might have been tried by due course of law had not the act aforesaid been passed:

(Section VI, P. L.) And whereas it hath been declared by the council of censors that the passing of the act aforesaid was a flagrant infringement of the sacred right of a citizen to trial by jury and a wanton violation of the constitution of this commonwealth and the council of censors have moreover recommended to the legislature to repeal all laws which the said council have deemed and declared to have been enacted contrary to the principles of the constitution:

(Section VII, P. L.) And forasmuch as it is incumbent on all men but more especially on the legislature when they have done wrong and shall be afterwards convinced of their error to relieve and re-instate the person or persons who may suffer thereby as far as reasonably can be done.

[Section I.] (Section VIII, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met. and by the authority of the same, That the act aforesaid and every matter and thing therein contained shall be and the same is hereby to all intents and purposes repealed and made null and void.

[Section II.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the sheriff of the city and county of Philadelphia be and the same sheriff is hereby enjoined, commanded, authorized and required, to proceed with all convenient speed to deliver unto the said George Adam Baker the peaceable possession of the premises aforesaid as far as the said sheriff in pursuance of the act aforesaid, dispossessed the said George Adam Baker and no further so that the [said] possession may be restored and holden as it was before the passing of the said act.

[Section III.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if the said sheriff shall upon the reasonable demand of the said George Adam Baker refuse or neglect to deliver the peaceable possession of the said messuage, ferry and ferry-landing, with their appurtenances as aforesaid to the said George Adam Baker, or his lawful attorney or assigns that the said sheriff shall be liable in an action of damages to the said George Adam Baker for such refusal or neglect to the full value of the premises and the said George Adam Baker

shall in such case have also such relief as is by law given in the case of forcible entries.

(Section XI, P. L.) Provided always, That nothing in this act contained shall injure, lessen or affect in anywise, the claim of the said Isaac Austin to the premises or any part thereof; but the same shall be and remain the same as it would have been if the act aforesaid or this act had not been made.

[Section IV.] (Section XII, P. L.) And be it enacted by the authority aforesaid, That the supreme executive council, be and they are hereby authorized and desired to cause the aforesaid sum of four hundred pounds so as aforesaid paid by the said Isaac Austin and the further sum of three hundred and sixteen pounds three shillings and three pence one farthing also paid by the said Isaac Austin into the treasury on the twelfth day of January last making together the sum of seven hundred and sixteen pounds three shillings and three pence one farthing to be repaid to him out of the treasury of this state within ten days after demand made thereof by the said Isaac Austin his heirs or assigns.

Passed February 18, 1785. Recorded L. B. No. 2, p. 390, etc.

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## CHAPTER MCXXXV.

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AN ACT TO INCORPORATE THE PRESBYTERIAN CONGREGATION IN ABINGTON TOWNSHIP, IN THE COUNTY OF MONTGOMERY.

(Section I, P. L.) Whereas the ministers, elders and members of the Presbyterian church in the township of Abington in the county of Montgomery have prayed that the said church may be incorporated and by law enabled as a body politic and corporate to receive and hold such charitable donations and bequests as have been or may from time to time be made to their society and vested with such powers and privileges as are enjoyed by the religious societies who are incorporated in the state of Pennsylvania:

(Section II, P. L.) And whereas it is just and right and also agreeable to the true spirit of the constitution that the prayer of their said petition be granted.

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That William M. Tennent, Samuel McNear, William Wilson, Joseph McClean, Garret Wynkoop, John Mann, Samuel Leech, Samuel Erwin and John Collom, and their successors duly elected and appointed in such manner and form as herein after directed be and they are hereby made and constituted a corporation and body politic in law and in fact to have continuance forever by the name, style and title of "The Trustees of the Presbyterian Church in the Township of Abington, in the County of Montgomery."

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors, by the name, style and title aforesaid shall forever hereafter be persons able and capable in law as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the said Presbyterian church in the township of Abington and county aforesaid or to the religious congregation worshipping therein now under the pastoral charge and care of the Reverend William Mackey Tennent or to any other person or persons to their use or in trust for them and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation and their successors forever according to their original use and intention: And the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises or other conveyances thereof, is or are declared, limited or expressed, as also that the said corporation and their successors aforesaid at all times hereafter shall be capable and able to purchase, have, receive, take, hold and

enjoy in fee simple or of any less estate or estates any lands, tenements, rents, annuities, liberties, franchises and other hereditaments by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic and corporate capable and able to make the same, and further that the said corporation may take and receive any sum or sums of money and any manner or portion of goods and chattels that have or shall be given or bequeathed to them by any person or persons, bodies politic and corporate, capable to make a bequest or gift thereof, such money, goods and chattels to be laid out by them in a purchase or purchases of lands, tenements, messuages, houses, rents, annuities or hereditaments to them and their successors forever, or the money lent on interest or otherwise disposed of according to the true intention of the donors.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the rents, issues, profits and interests of the said real and personal estate of the said church and corporation shall by the said trustees and their successors from time to time be applied for the maintenance and support of the pastor of the said church, for and towards the relief of the poor in communion of the said church, and in re-pairing the house of public worship, burial ground, parsonage house or other houses which now do or hereafter shall belong to the said church and corporation.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors shall not by deed, fine or recovery, or by any other ways or means, grant, alien or otherwise dispose of any manors, messuages, lands, tenements or hereditaments, in them or their successors vested, or hereafter to be vested nor charge nor encumber the same to any person or persons whatsoever without the consent and approbation of a majority of the members of the said congregation first had and obtained.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors or a majority of them met from time to time after public intimation given the preceding Lord's day, commonly called

Sunday from the desk or pulpit of the said church immediately after divine service before the congregation are dismissed or after regular notice in writing [left] at the house of each trustee and the particular business inserted therein at least one week before, be authorized and empowered and they are hereby authorized and empowered to make by-laws and ordinances and to do everything needful for the good government and support of the secular affairs of the said church.

(Section VIII, P. L.) Provided always, That the said by-laws, rules and ordinances or any of them be not repugnant to the laws of this commonwealth, and that all their proceedings be fairly and regularly entered into a church book, to be kept for that purpose, and also that the said trustees and their successors by a majority of votes of any five or more of them when met as aforesaid after such intimation or notice as aforesaid be authorized and empowered to elect and appoint from among themselves a president and also to elect and appoint from among themselves or others a treasurer and secretary and the same president, treasurer and secretary or any of them at their pleasure to remove, change, alter or continue as to them or a majority of any five or more of them so met as aforesaid from time to time shall seem to be most for the benefit of the said church and corporation.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors shall have full power and authority to make, have and use one common seal with such device and inscription as they shall think proper and the same to break, alter and renew at their pleasure.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name of "The Trustees of the Presbyterian Church in Abington Township in the County of Montgomery" aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in any court or courts before any judge or judges, justice or justices in all and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever nature, kind or form they may be and all and every matter and

thing therein in as full and effectual a manner as any other person or persons, body politic and corporate within this commonwealth may or can do.

[Section VIII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall always consist of nine members called and known by the name of "The Trustees of the Presbyterian Church in Abington Township in the County of Montgomery;" and the said members shall at all times hereafter be chosen by ballot by a majority of such members met together of the said congregation as are stated worshippers with the said church for not less than the space of one year and have paid the sum of seven shillings and six pence yearly towards the support of the said church and shall not at any time of voting be more than one-half year in arrears for the same.

[Section IX.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said William M. Tennent, Samuel McNear, William Wilson, Joseph McClean, Garret Wynkoop, John Mann, Samuel Leech, Samuel Erwin and John Collom, the first and present trustees hereby incorporated shall be and continue trustees aforesaid until they be removed in manner following, That is to say, that all and every of the trustees herein first named and appointed, shall cease and discontinue, and their appointment determine on the first Thursday of April which will be in the year of our Lord one thousand seven hundred and eighty-six upon which day a new election shall be had and held of so many others in their stead and place by a majority of the persons met and qualified agreeable to the true intent and meaning of this act to vote and elect as aforesaid yearly and every year forever.

(Section XIII, P. L.) Provided always, That the same trustees or either of them may be re-elected at such elections, and if by any accident an election shall not be held on said day shall continue trustees until an election shall be made at some future day by them to be appointed so that the same be within a month thereafter.

(Section XIV, P. L.) Provided also, That the pastor of the said church for the time being be entitled to vote equally with any member of the said church or congregation.

(Section XV, P. L.) And provided also, That all and every person or persons qualified as aforesaid to vote and elect shall and may be capable and able to be elected trustees aforesaid.

(Section XVI, P. L.) And when any vacancy shall happen by the death, refusal to serve or removal of any one or more of the trustees aforesaid pursuant to the directions of this act an election shall be held of some fit person or persons in his or their stead, so dying, refusing or removing as soon as conveniently can be done and the person or persons so elected shall be, remain and continue as a trustee or trustees aforesaid so long without a new election as the person or persons in whose place and stead he or they shall have been so elected [as aforesaid, would or might have continued and remained] and no longer, and that in all cases of a vacancy happening by the means in this act last mentioned the remaining trustees shall be empowered to call a meeting of the electors for supplying the said vacancy such meeting to be notified and published in like manner as herein before is directed and appointed for notifying and publishing the meeting of the trustees.

[Section X.] (Section XVII, P. L.) Provided always and it is hereby enacted by the authority aforesaid, That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation shall not exceed the sum of five hundred pounds lawful money of the state of Pennsylvania to be taken and esteemed exclusive of the money arising from the annual stated contributions belonging to the said church and also exclusive of the moneys arising from the opening of the ground or burials, which money shall be received by the trustees and disposed of by them in the manner herein before directed.

Passed February 22, 1785. Recorded L. B. No. 2, p. 425, etc.

CHAPTER MCXXXVI.

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AN ACT FOR ERECTING PART OF THE COUNTY OF LANCASTER INTO A  
SEPARATE COUNTY.

(Section I, P. L.) Whereas the inhabitants of the upper parts of Lancaster county have by petitions set forth to the general assembly of this state that they have long labored under many inconveniences from their being situated at so great a distance from the seat of judicature in the said county and have prayed that they may be relieved from the said inconveniences by erecting them into a separate county. And as it appears but just and reasonable that they should be relieved in the premises:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all that part of Lancaster county lying within the bounds and limits hereinafter described shall be erected into a separate county, that is to say, beginning on the west side of the river Susquehanna, opposite to the mouth of Conawago creek, thence up the middle of the said creek to Moor's mill, and from thence to the head of said creek, and from thence by a direct line to the south-east corner of Heidelberg township where it strikes the Berks county line, thence north-west by the line of Berks county to Mahantango creek, thence along the same by the line of Northumberland county and crossing the river Susquehanna to the line of Cumberland county, thence down the Susquehanna on the west side thereof by the line of Cumberland county and that part of the line of York county to the place of beginning on the west side of the river Susquehanna to be hence forth known and called by the name of Dauphin county.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Dauphin shall at all times hereafter enjoy all and singular the jurisdictions, powers, rights, liberties and privileges what-

soever which the inhabitants of any other county of this state do, may or ought to enjoy by the constitution and laws of this state.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the district elections for the said county of Dauphin shall be held for the townships of Derry and Londonderry at Hummel's town in the township of Derry aforesaid, for the township of Upper Paxton on the north side of Peter's mountain at Peter Hoffman's in said township, for the township of Lower Paxton on the south side of Peter's mountain and West Hanover at the court house of the said county or at John Harris's until such court house shall be erected, and for the townships of Lebanon, East Hanover, Heidelberg and Bethel, at the town of Lebanon, in the said township of Lebanon where they shall elect at the times and under the regulations stipulated and directed by the constitution and laws of this state and a counsellor, representatives to serve them in general assembly, censors, sheriffs, coroners and commissioners; which said officers when duly elected and qualified shall have and enjoy all and singular such powers, authorities and privileges with respect to their said county as such officers elected in and for any other county, may, can or ought to do. And the said elections shall be conducted in the same manner and form and agreeable to the same rules and regulations as now are, or hereafter may be in force in the other counties of this state.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said county of Dauphin shall elect four members and the county of Lancaster [shall elect] seven members to represent them respectively in the general assembly of this commonwealth from and after the passing of this act until the same shall be altered agreeable to the constitution and the laws of this state.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court of this state shall have like powers, jurisdictions and authorities in the said county of Dauphin as in the other counties of this state and are hereby authorized and empowered to deliver the gaols of the said county of Dauphin of capital and other offend-

ers in like manner as they are authorized to do in other counties of this state.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the justices of the courts of quarter sessions and common pleas now commissioned within the limits of the county of Dauphin and those that may hereafter be commissioned or any three of them shall and may hold courts of general quarter sessions of the peace and gaol delivery and county courts for holding of pleas and shall have all and singular such powers, rights, jurisdictions and authorities to all intents and purposes as other justices of the courts of general quarter sessions and justices of the county courts for holding of pleas in the other counties of this state may, can or ought to have in their respective counties, which courts shall sit and be held for the said county of Dauphin, near Harris's ferry on the third Tuesdays in the months of February, May, August and November, yearly, for the dispatch of the public business of the said county.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Jacob Awl, Joshua Elder, Andrew Stewart, James Cowdan and William Brown, of Paxton, or any three of them, to take assurance to them and their heirs of such lot or piece of ground as shall be laid out and approved of by the said commissioners or any three of them for the erecting a court house and gaol thereupon in trust and for the use of the inhabitants of the said county of Dauphin and thereupon to erect a court house and prison sufficient to accommodate the public service of the said county.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That for the defraying the charges of building, erecting and finishing the court house and prison aforesaid it shall and may be lawful to and for the commissioners and township assessors of the said county or a majority of them to assess and levy and they are hereby required to assess and levy in the manner directed by the act for raising county rates and levies so much money as the said trustees or any three

of them shall judge necessary for building and finishing the court house and prison aforesaid.

(Section X, P. L.) Provided always, That the sum of money so to be raised do not exceed the sum of fifteen hundred pounds, and that the said trustees shall from time to time render a faithful account of the expenditure of the same not only to the commissioners but to the grand jury of the county when called on or any other officer who may be appointed by authority for the inspection of the accounts of the county.

[Section IX.] (Section XI, P. L.) Provided also and be it further enacted by the authority aforesaid, That no action or suit now commenced or that may be commenced in the county courts of Lancaster before the first day of April next against any person living within the bounds of the county of Dauphin shall be stayed or discontinued by this act or by anything in the same contained, but the same actions now commenced or that may be commenced as aforesaid may be prosecuted to final issue and judgment thereupon rendered in the like manner as if this act had not been made. And it shall be lawful for the justices of Lancaster county to issue process to the sheriff of the county of Lancaster for carrying on and obtaining the full and legal effects of such suits in the same manner as if the parties resided in the same county of Lancaster.

[Section X.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the sheriff, coroner and public officers of the county of Lancaster shall continue to exercise the duties of their respective offices within the county of Dauphin until similar officers are appointed agreeable to law within the said county of Dauphin, and that all arrearages of excise and public taxes shall be paid into the hands of the present collectors to be by them accounted for in manner and form as if this act had never been passed.

[Section XI.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the sheriffs, treasurers, collectors of excise, and all such officers as have heretofore usually given bail for the faithful discharge of their respective offices who may hereafter be appointed or elected in the said county of Dauphin before they or any of them shall enter upon the exe-

cution of their respective offices shall give sufficient security in the like sums in the like manner and form and for the like uses, trusts and purposes as such officers are obliged by law for the time being, to do in the county of Lancaster.

[Section XII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That Joshua Elder, Thomas Clark, John Glendillor, Bartram Galbraith, James Cunningham, or any three of them, shall be commissioners to run and mark the county line in the same manner as is before described in the second section of this act, which line when so run and marked shall be the boundary between the counties aforesaid: And that the said commissioners shall receive for their services at the rate of twenty-two shillings [and six pence] per day each and no more to be paid half by the county of Lancaster and half by the county of Dauphin by drafts from the commissioners of the respective counties on the treasurers of the same which the said commissioners are hereby authorized and directed to grant.

Passed March 4, 1785. Recorded L. B. No. 2, p. 430, etc.

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## CHAPTER MCXXXVII.

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AN ACT FOR FURNISHING THE QUOTA OF THIS STATE TOWARDS PAYING THE ANNUAL INTEREST OF THE DEBTS OF THE UNITED STATES AND FOR FINDING AND PAYING THE INTEREST OF THE PUBLIC DEBTS OF THIS STATE.

(Section I, P. L.) Whereas the United States in congress assembled by their act of the eighteenth day of April, one thousand seven hundred and eighty-three did resolve that it be recommended to the several states as indispensably necessary to the restoration of public credit and to the punctual and honorable discharge of the public debts to invest the said United States in congress assembled with power to levy and collect for the use of the United States certain duties on goods therein

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<sup>1</sup> Passed April 5, 1793. Chapter 1669.

enumerated and also a duty of five per centum ad valorem on all other goods at the time and place of importation provided that none of the said duties should be applied to any other purpose than the discharge of the interest or principal of the debts contracted on the faith of the United States for supporting the war nor be continued for a longer term than twenty-five years.

(Section II, P. L.) And whereas the said United States by their same act did further resolve that it be also recommended to the several states, to establish substantial and effectual revenues for a term limited to twenty-five years of such nature as they should severally judge most convenient for supplying their respective proportions of one million five hundred thousand dollars annually as necessary in addition to the sum to be raised by the duties aforesaid, for the restoration of the public credit and the punctual and honorable discharge of the aforesaid public debts. And whereas the legislature of this commonwealth, desirous to promote and facilitate the good intentions of the United States in the manner set forth in the said recommendation, did, on the twenty-third day of September in the year of our Lord one thousand seven hundred and eighty-three by law enact and declare that the said United States should be and they were fully authorized and empowered to levy and collect the several duties mentioned and required in and by the said recommendation, and did also further enact and declare in and by the same act that the sum of two hundred and five thousand one hundred and eighty-nine dollars (being the estimated proportion of this state, of the aforesaid one million five hundred thousand dollars) shall be annually for the term of twenty-five years raised and levied on the persons and estates of the inhabitants of this state for the uses and purposes aforesaid in such manner as the legislature of this commonwealth should from time to time thereafter direct.

(Section III, P. L.) Provided, That the said act should not take effect, until each and every of the thirteen United States should make laws conformably to the acts of congress on which the said act was founded.

(Section IV, P. L.) And whereas one or more of the said thirteen states have hitherto declined to comply with the said

recommendations of the United States whereby the said act of this state is yet suspended and rendered ineffectual and the aforesaid plan of the United States for the discharge of their debts and the restoration of public credit is frustrated and yet remains impracticable.

(Section V, P. L.) And whereas considerable time may elapse before a general and effective plan for the good purposes aforesaid may be formed and ratified by the several states so as to be put in execution whereby the public credit may be farther impaired.

(Section VI, P. L.) And whereas a large portion of the aforesaid debts of the United States are due to the citizens of this state, many of whom are laboring under grievous hardships and inconveniences and some are suffering the extremities of want by the withholding of the annual interest and the consequent depreciation in value of the principal of their just demands.

(Section VII, P. L.) And whereas it is the desire of the legislature of this commonwealth to grant relief to the suffering citizens thereof, in such manner as may tend to strengthen and establish public credit, and at the same time, be most likely to accord with such federal measures as the United States in their wisdom may adopt by contributing the full amount of the proportion of this state towards paying the annual interest of the whole debt of the United States, as well foreign as domestic, which proportion, according to the late estimation of congress, will require the sum of one hundred and twenty-three thousand nine hundred and thirty-two pounds, annually.

(Section VIII, P. L.) And whereas large sums of money are due and owing from this commonwealth to divers citizens thereof as well as to other persons, and it is just and reasonable that such creditors should receive interest for their respective demands until the funds of the state shall be sufficient to discharge the principal.

(Sections IX, P. L.) And whereas in and by an act of the general assembly of this commonwealth made and passed the twenty-seventh day of November, Anno Domini one thousand seven hundred and seventy-nine, entitled "An act for vesting the estates of the late proprietaries of Pennsylvania in this

commonwealth,<sup>1</sup> it is among other things enacted and declared that the sum of one hundred and thirty thousand pounds sterling money of Great Britain be paid out of the treasury of this state to the devisees and legatees of Thomas Penn and Richard Penn, late proprietaries of Pennsylvania respectively, and to the widow and relict of the said Thomas Penn in annual payments not exceeding twenty thousand nor less than fifteen thousand pounds sterling in any one year and that the first annual payment thereof be made at the expiration of one year after the termination of the war, and it is just and necessary that due provision should be made for effecting the said annual payments.

(Section X, P. L.) And whereas the United States in congress assembled by their act of the twenty-seventh day of April last setting forth that it would not be expedient to call into payment the whole balances of their requisitions on the several states of eight millions of dollars for the service of the year one thousand seven hundred and eighty-two and of two millions of dollars for the service of the year one thousand seven hundred and eighty-three did thereupon resolve in substance as follows, to-wit, that the states be required to furnish within the course of the present year (one thousand seven hundred and eighty-four) such part of their deficiencies under the requisition of eight millions as with their payments to the close of the year one thousand seven hundred and eighty-three would make up one-half of their original quota thereof and that before any further demand should be made upon the states under the requisition for two millions of dollars or the requisition for eight millions of dollars congress would revise the quotas of the several states mentioned in the said requisitions respectively and make them agreeable to justice on the best information congress might have when such demand should be made. And whereas it appears that the payments so as aforesaid required for one-half of the quota of this state of the said requisition of eight millions of dollars will amount to the sum of five hundred and sixty thousand three-hundred and ninety-seven dollars which payments are already made and compleated or nearly so. And whereas large sums remain due and in arrears from divers citi-

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<sup>1</sup> Passed November 27, 1779, Chapter 874.

zens, inhabitants and estates within this commonwealth on account of the several taxes assessed by virtue of the acts of the general assembly in consequence of the said requisitions and it is proper that an appropriation should now be made of the residue of the said taxes after payment of the aforesaid five hundred and sixty thousand three hundred and ninety-seven dollars to the use of the United States.

(Section XI, P. L.) Therefore, in order to provide an adequate fund for the payment of the annual interest aforesaid and for making the said annual payment to the representatives of the said Thomas Penn and Richard Penn,

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and singular the moneys which [have] arisen from and since the first day of November last past, and which shall hereafter arise and be received by virtue and in pursuance of a certain act of the general assembly of this commonwealth made and past the twenty-third day of December, Anno Domini one thousand seven hundred and eighty, entitled "An act for an impost on goods, wares and merchandize imported into this state,"<sup>2</sup> and by virtue and in pursuance of one other act of the [said] general assembly, passed the twenty-fifth day of September, one thousand seven hundred and eighty-three, entitled "A supplement to an act, entitled 'An act for an impost on goods, wares and merchandize imported into this state,'"<sup>3</sup> and by virtue and in pursuance of one other act of the said general assembly, passed the fifteenth day of March, one thousand seven hundred and eighty-four, entitled "An act for raising a further impost or duty on all goods, wares or merchandize imported into this state,"<sup>4</sup> together with the annual taxes hereinafter directed to be levied and collected, and the residue of the taxes which have been heretofore assessed by virtue of other acts of the general assembly enacted since the first day of January, one thousand seven hundred and eighty-two, and which now re-

<sup>2</sup> Passed December 23, 1780, Chapter 925.

<sup>3</sup> Passed September 25, 1783, Chapter 1051.

<sup>4</sup> Passed March 15, 1784, Chapter 1076.

main due and in arrears from divers citizens, inhabitants and estates in this commonwealth so far as the same are released from former appropriations as aforesaid, be and the said revenues and sources of revenue are hereby severally and respectively appropriated for and towards a fund for the purposes aforesaid and for such other purposes as are and shall be herein-after mentioned and so shall remain, continue and be applied and to no other use, intent or purpose whatsoever, any former or other appropriation thereof or of any part thereof or any law, usage or custom to the contrary notwithstanding.

(Section XII, P. L.) And whereas some provision hath been made for making the first of the aforesaid annual payments to the representatives of the said Thomas Penn and Richard Penn, and to the widow of the said Thomas Penn:

[Section II.] Be it enacted by the authority aforesaid, That when and so often as the second and other subsequent payments shall become due to the said representatives it shall and may be lawful for the supreme executive council to cause such payments to be made out of the treasury of this state in gold or silver money at the rate or value in British sterling money of the coin in which such payments shall be made to such person or persons as shall apply for the same being authorized to receive such payments and to give the proper acquittance according to the tenor, true intent and meaning of the before recited act directing such payments to be made.

[Section III.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That there shall be paid into the hands of the continental loan officer in this state yearly and every year from and after the termination of the year of our Lord one thousand seven hundred and eighty-four out of the treasury of this state at such times and in such quantities as the president or vice-president by warrant under his hand in council shall from time to time direct the sum of one hundred and twenty-three thousand nine hundred and thirty-two pounds, being the estimated quota of this state of the annual interest of the aggregate debt of the United States contracted during the late war or such other sum as shall from time to time appear to be the true proportion or quota of this state of the said

annual interest during the continuance of the said debt, which warrants shall respectively be registered in the office of the comptroller-general of this state and the said loan-officer shall thereupon become answerable for the sums respectively mentioned in every such warrant.

[Section IV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said loan-officer shall and may pay with and out of such money's as he shall receive in each year as aforesaid, the lawful interest for one year on all such certificates of moneys loaned to the United States or other certificates of debts due from the United States, liquidated, ascertained and authenticated according to the directions of the United States in congress assembled or according to the laws of this state, as shall be demanded by the holders or possessors of such certificates respectively and such payments shall be indorsed on every such certificate: Provided always, That such certificates respectively were originally issued from the said loan-office or given or granted for articles furnished or for services done and performed during the late war by the citizens of this state or by officers or soldiers admitted and adopted as of the Pennsylvania line or quota of the troops of this state and in the name and for the use of such person or persons or some other who at the time of such issuing was or were or since hath [or have] been a citizen or citizens of this state by actual residence within the same, or in the name or for the use of a body politic or corporate within this state, and that there be the interest for one year at least due thereon. And if any difficulty shall arise concerning the propriety of paying the interest which may be demanded by virtue of this act on any such certificates it shall be incumbent on the claimant to produce the proof necessary to establish such claim and if the evidence offered be not sufficient to satisfy the said loan-officer the same shall be referred to the supreme executive council whose determination and order thereon shall be conclusive: Provided also, That the indorsement of the said loan-officer on any such certificate of the payment of one years interest thereon in the notes issued for that purpose by virtue of the act of assembly passed the twenty-first day of March, one thousand seven hundred and eighty-

three, shall be deemed sufficient evidence to admit such certificate to be entitled to draw interest by virtue of this act unless it shall appear that such payment and indorsement were fraudulently obtained. And provided also, That loan-office certificates, received by any citizen of this state in payment for services performed or articles furnished for the use of the United States from any quarter-master, commissary or other officer of the United States, to whom the same were issued for that purpose in lieu of money shall also be entitled to the payment of interest by virtue of this act in whosoever name or names the same may have issued from the said loan-office. And provided also, That such of the aforesaid certificates as shall have been issued for the pay, arrearages of pay or commutation to the officers and soldiers aforesaid commonly called "final settlements" shall not have been alienated or transferred but shall remain at the time of making the first demand of interest by virtue of this act really and bona fide the property of such person or persons in whose name or for whose use such certificates respectively were originally issued, or the property of the heirs, executors, administrators or legatees of such person or persons or the property by donation or legacy of a body politic or corporate or charitable institution which property shall be proved by the oath or affirmation of the person making such demand or the person in whose right the demand shall be made before the prothonotary of some one of the counties in this state (which oath or affirmation the said prothonotaries are hereby severally authorized to administer) within ninety days next before the making of such demand, which oath or affirmation shall be in writing signed by the party making the same and shall specify the date, number and sum mentioned in the certificate to which it relates, the name of the person or persons to whom issued, the name of the officer or commissioner who signed and issued the same and shall be delivered to the loan-officer to be filed at the time of making such demand of interest for which oath or affirmation and certificate the said prothonotary shall be entitled to demand and receive one shilling and no more. And provided also, That no certificate issued or to be issued by or from the office of the treasury of the United States commonly

called the comptroller-general, register-general or auditor-general's office shall be entitled to draw interest by virtue of this act, unless it shall appear by the attestation of the said comptroller-general, register-general, auditor-general or other officer, who shall have signed and issued any such certificate, that neither the consideration on which such certificate was issued, nor any part thereof hath arisen from any debt or certificate of a debt which would not have entitled the bearer thereof to have drawn interest by virtue of this act.

(Section XV, P. L.) And whereas considerable sums are now due and in arrear for interest on divers of the certificates herein before limited and described as entitled to draw interest by virtue of this act.

[Section V.] (Section XVI, P. L.) Be it enacted by the authority aforesaid, That if at or after the expiration of four months from the time the said loan-officer shall have commenced the payment of one years interest (public notice thereof having been given by three or more weekly publications in three of the newspapers of this state and as near the said time of commencement as may be) there shall be in the hands of the said loan-officer and in the treasury of this state, a sum or sums of money equal to fifty thousand pounds on account of the moneys herein before directed to be paid into the hands of the said loan-officer, and remaining undemanded for the payment of one years interest as aforesaid, then and in such case the said loan-officer shall commence the payment of second years interest on such certificates as aforesaid, and in like manner, toties quoties, the said loan-officer shall proceed to the payment of a third and other subsequent years interest on such certificates, where more than one years interest shall remain due on any such certificate, giving preference, nevertheless, to the payments first due in the order in this section before mentioned, whenever any preference shall be necessary, and so from year to year as the said interest shall arise and become due.

(Section XVII, P. L.) And whereas it may happen that the interest arising on such certificates as aforesaid will not amount to the aforesaid sum of one hundred and twenty-three thousand nine hundred and thirty-two pounds, or other sum at which the

quota of this state may be fixed as aforesaid annually after the arrearages of interest thereon shall have been discharged.

[Section VI.] Be it therefore enacted by the authority aforesaid, That such residue or surplus as may remain of the annual quota of this state, herein directed to be paid to the loan-officer as aforesaid after paying thereout the annual interest and arrearages as aforesaid, shall remain for and be subject to the appropriation of congress for the payment of the interest of other debts of the United States contracted during the late war.

(Section XVIII, P. L.) Provided nevertheless, That whenever the United States shall make and carry into execution other effectual and permanent provision for paying the annual interest and arrearages of interest due and arising on the aforesaid debt of the said United States contracted during the late war, then and in such case the payment and apprairition of the aforesaid annual sum or quota of this state in manner aforesaid, shall cease, determine and be discontinued; anything herein before contained to the contrary notwithstanding.

(Section XIX, P. L.) And to the end that a fair and proper account may be kept of all such moneys as shall be issued and paid to the said continental loan-officer by virtue and in pursuance of this act, and that this state may have proper credit therefor in account with the United States,

[Section VII.] Be it enacted by the authority aforesaid, That the said loan-officer shall and [he] is hereby directed and required to keep fair and exact accounts of such payments as he shall make by and out of the moneys which shall be put into his hands as aforesaid, in which shall be specified the kind and quality of every certificate, and by whom issued on which he shall pay interest, the date and number thereof, the name of the person to whom issued, the principal sum or value in specie of each certificate, and the interest paid thereon for each year, and shall take receipts from the persons to whom the moneys shall be paid, as vouchers for the said accounts, and on producing such accounts and vouchers to the comptroller-general of this state, and the same being allowed and approved of by him, they shall be admitted in discharge for the amount thereof, of so much of the moneys he shall have received from the treasury

as aforesaid, and such accounts, stated to the last day of December in each and every year shall be rendered annually to the said comptroller-general's office within one month after the said annual periods respectively.

[Section VIII.] (Section XX, P. L.) And be it enacted by the authority aforesaid, That the treasurer of this state for the time being be and he is hereby authorized and required yearly and every year to pay with and out of the fund or revenues herein before mentioned the interest for one year on all debts due from and assumed by this state and liquidated, ascertained and certified according to the law (the debts or certificates of debts founded upon and the interest whereof is made payable out of the produce of the excise on spirituous liquors, and other certificates of sums due for depreciation of pay excepted) which payments of interest shall be made to the holders or possessors of such certificates respectively who shall demand the same and indorsed on the said certificates respectively. And the said treasurer is hereby directed to take receipts for such payments and to render accounts of the same, together with the vouchers therefor to the comptroller-general in such manner and form as is herein before directed and expressed respecting the payments to be made by the continental loan-officer in this state; and such accounts and vouchers after examination, approbation and allowance by the said comptroller-general shall be a discharge to the said treasurer for the amount of the sum or sums therein expressed.

(Section XXI, P. L.) And whereas there are considerable sums due and in arrears for interest on divers of the debts of this state, and it is just and reasonable that the said arrearages should be paid,

[Section IX.] Be it further enacted by the authority aforesaid, That whenever there shall be found remaining in the treasury on account of the fund and revenues aforesaid after paying thereout the several sums of money herein charged upon and made payable out of the said fund a residuary sum of fifteen thousand pounds or upwards, then and in such case the said treasurer is hereby directed to commence and proceed in the payment of a second years interest on such debts [due] from the

state as aforesaid and so toties quoties as to the third and every subsequent years interest whenever more than one years interest shall be due on any of the said debts giving preference, nevertheless, in such payments to the interest first due in the order aforesaid when such preference shall be necessary and taking receipts and rendering accounts of all such payments in manner aforesaid. And whereas a surplus may arise from the produce of [the] excise on spirituous liquors after payment of the annual interest charged thereon and it is deemed proper that such surplus should be appropriated to the payment of the arrearages of interest now due or which may become due on such certificates as are by law entitled to the payment of interest annually out of the same.

[Section X.] (Section XXII, P. L.) Be it therefore enacted by the authority aforesaid, That the whole of the produce of the said excise on spirituous liquors shall be and remain appropriated to the payment of the annual interest and arrearages of interest due and to become due on the debts and certificates of debts now charged on the said fund any act to the contrary notwithstanding.

(Section XXIII, P. L.) And in order to carry into execution the intention of the legislature of this state manifested in their aforesaid act made and passed the twenty-third day of September, one thousand seven hundred and eighty-three, entitled "An act for levying a duty on certain enumerated articles and an impost of five per centum ad valorem on all other goods, wares and merchandise, imported into this state and a tax upon real and personal property for the discharge of the debts of the United States of America agreeable to acts of congress therein recited, and for other purposes therein mentioned,<sup>1</sup> and to strengthen and establish the fund herein before mentioned and appropriated.

[Section XI.] (Section XXIV, P. L.) Be it further enacted by the authority aforesaid, That the sum of seventy-six thousand nine hundred and forty-five pounds, seventeen shillings and six pence, lawful money of this state, shall be assessed, raised and

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<sup>1</sup> Passed September 23, 1783, Chapter 1039.

levied yearly and every year successively in and after the year of our Lord one thousand seven hundred and eighty-five and to continue for so long time as shall be necessary for the purposes herein before and herein after mentioned from and upon the estates real and personal and persons in the city and several counties in this state in two equal proportions or payments whereof the first shall be collected and paid into the treasury on or before the last day of June and the second on or before the first day of December in each and every year. Provided, that the whole of the said tax for the present year one thousand seven hundred and eighty-five shall be raised and collected so as to be paid into the treasury of this state on or before the first day of December next without regard to the instalments or division aforesaid.

[Section XII.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That until the quotas of the city and several counties of this state shall be farther liquidated, regulated and established, the annual levies and assessments aforesaid shall be charged on and collected from the said city and counties in the proportions and manner following; that is to say,

The city and county of Philadelphia the sum of nineteen thousand four hundred and ninety-two pounds five shillings and six pence.

The county of Bucks the sum of five thousand and forty-two pounds one shilling and eight pence.

The county of Chester the sum of eight thousand and ninety-three pounds seventeen shillings and six pence.

The county of Lancaster and Dauphin the sum of ten thousand nine hundred and fifty-three pounds nine shillings and seven pence, to be liquidated and apportioned by the commissioners of the said two counties, in proportion to the assessments made in the year one thousand seven hundred and eighty-three.

The county of York the sum of six thousand one hundred and two pounds eighteen shillings and three pence.

The county of Berks the sum of five thousand five hundred and nine pounds twelve shillings two pence.

The county of Cumberland the sum of three thousand three hundred and eighty-three pounds ten shillings and nine pence.

The county of Northampton the sum of three thousand one hundred and seventy-one pounds and twelve shillings.

The county of Bedford the sum of one thousand seven hundred and thirty-eight pounds thirteen shillings and four pence.

The county of Northumberland the sum of two thousand one hundred and forty-seven pounds sixteen shillings and one pence.

The county of Westmoreland the sum of seven hundred pounds.

The county of Washington the sum of one thousand four hundred and seventy-eight pounds thirteen shillings and nine pence.

The county of Fayette the sum of seven hundred and seventy-eight pounds thirteen shillings and nine pence.

The county of Franklin the sum of two thousand three hundred and fifty-two pounds thirteen shillings and two pence.

The county of Montgomery the sum of six thousand pounds.

[Section XIII.] (Section XXVI, P. L.) And be it futher enacted by the authority aforesaid, That the commissioners of the city and county of Philadelphia and of the other counties respectively shall meet together on or before the first day of June in and for the present year and on the first Tuesday in January in and for each and every succeeding year at the usual place of their meeting in their respective city and counties, and the said commissioners so met or any two of them shall issue their warrants under their hands and seals to the district assessors of each and every township, ward or district within their respective counties requiring the said assessors to notify the freemen of their several townships, wards or districts, by public advertisements to meet and choose two freeholders of the proper district to assist the said assessor in laying and assessing the taxes required within the then present year; and also requiring the said assessors to demand of all and every taxable inhabitant residing within their respective townships, ward or districts a full and true account of all his or her estate, real and personal, within this state, made taxable by this act, and in what county or counties situate [and] on or before a certain day (to be

mentioned in every such warrant) to make fair and true return thereof in writing and of the names and surnames of such two freeholders as shall be chosen as assistants in such township, ward or district, and of all and every the taxable inhabitants and single freemen within their respective township, wards or districts, together with their trades, professions or occupations, and offices, and posts of profit; which said returns the said assessors are hereby respectively required to make. And if any person shall refuse or neglect to give a return of his or her taxable property when required as aforesaid, every such person so neglecting or refusing, shall for every such offence forfeit and pay a sum equal to the tax at which such person shall be rated for that year, to be levied and received by the collector of the district by virtue of a special warrant from the commissioners of the county or any two of them which warrant they are hereby authorized and required to grant and the money so received shall be paid into the treasury of the county for the use of such county.

(Section XXVII, P. L.) And in order that the taxes hereby directed to be assessed and paid, may be justly levied and collected, and for the better detecting of frauds and concealments of taxable property.

[Section XIV.] Be it enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners and assessors or any of them or any other person authorized by the board of commissioners and they are hereby severally enjoined and required to use their best endeavors to gain information of all taxable property concealed or refused to be returned; and for that purpose may search all public records within their respective counties or in the city of Philadelphia as the case may require and all officers having the charge of such records are hereby enjoined and required to be aiding [and] assisting in such searches and to grant to such persons free access at all proper times to the said public records for the said purpose without fee or reward.

[Section XV.] (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That if any person shall wilfully conceal or omit and leave out of the return which he

or she shall make to the district assessor any part of his or her personal property made taxable by this act with intent to save the same from taxation such person shall pay fourfold taxes on all property so concealed and the money thence arising over and above the taxes which such property ought to have yielded shall be paid to the supervisors of the highways of such district for and towards repairing the public highways within the same, and any inhabitant of such district who would be a competent witness in other cases shall be a sufficient witness in the proof of such concealment.

[Section XVI.] (Section XXIX, P. L.) And be it further enacted by the authority aforesaid, That when and so soon as the commissioners of the city and several counties aforesaid shall respectively have received the returns of the assessors herein before directed to be made such commissioners or any two of them shall forthwith proceed to quota the several townships, wards and districts in their respective city and county in proportion to the quantity, quality and value of the property and taxable articles so returned, and within six days after the forming and fixing of such quotas shall furnish and deliver or cause to be delivered to the assessors of their respective city and county a true and fair transcript of the quota or sum of money charged upon and demanded from the township, ward or district respectively to which each of the said assessors do belong. And in case any township, ward or district shall neglect or refuse to elect or appoint an assessor or assistant freeholders according to law, or if a vacancy should otherwise happen in either of the said offices by death, disability, refusal or neglect to serve of any chosen assessor or assistant freeholder, the commissioners of the city or county in which such vacancy shall happen or any two of them are hereby authorized and required to supply the same by appointing a fit person in the place and stead of the one so neglected to be chosen, or who shall have died, become disabled or refused or neglected to serve as aforesaid, and every assessor or assistant freeholder so appointed, shall have the like powers and be subject to the like penalties as other assessors and assistant freeholders enjoy and are subject to.

[Section XVII.] (Section XXX, P. L.) And be it further enacted by the authority aforesaid, That when and so soon as any assessor shall have received from the commissioners aforesaid an account of the quota or sum of money charged on his proper township, ward or district, he shall forthwith proceed, together with the two assistant freeholders as aforesaid to assess the same equally and impartially on all and every person or persons and on all the estates real and personal made taxable by this act within such township, ward or district and shall make return thereof to the said commissioners within ten days from the time the said assessor shall have received an account of the said quota.

[Section XVIII.] (Section XXXI, P. L.) And be it enacted by the authority aforesaid, That the following enumerated articles shall be, and they are hereby made taxable; that is to say, the time of servitude of all bound servants above the age of fourteen years, all negro and mulatto slaves above the age of twelve years, all horses, mares, geldings and horned cattle above the age of three years, wrought plate, coaches, berlins, landaus, chariots, pheatons, calashes, chises, caravans, riding chairs and other carriages, kept by any person for his or her own use, and for the purposes of traveling or pleasure, all lands held by deed, patent, warrant, location or improvement, houses and lots of ground, and ground rents, all grist mills, saw mills, slitting mills, rolling mills, hemp mills, oil mills, snuff mills and paper mills, [all] furnaces, forges, bloomeries, distilleries, sugar houses, malt houses, breweries, tanyards and ferries. And that every single freemen who at the time of assessing any [tax] imposed by this act, is or shall be of the age of twenty-one years or upwards and shall have been out of his apprenticeship nine months shall pay a sum not exceeding thirty shillings, nor under ten shillings. And that all offices and posts of profit, trades, occupations and professions (ministers of the gospel, mechanics, manufacturers and schoolmasters only excepted) shall be rated at the discretion of the assessor and assistant freeholders of the district to which they belong, due regard being had to the profits arising therefrom.

[Section XIX.] (Section XXXII, P. L.) And be it further

enacted by the authority aforesaid, That all and every of the enumerated articles of real and personal property, made taxable as aforesaid shall be valued at and for so much bona fide as they are worth and would sell for and such rate or rates shall be assessed and levied thereon as together with the other taxables as aforesaid will amount to the sum of money quoted and charged upon the city and several counties aforesaid.

(Section XXXIII, P. L.) Provided nevertheless, That all lands which have been or may hereafter be granted within this state to any officers or soldiers of the line of this state by virtue of any resolution of congress and law of this state as a reward for their services shall be and remain exempted from taxation for and during the life of such officer or soldier respectively unless the same shall be transferred or aliened to any other person according to the true intent and meaning of an act of the general assembly passed the first day of March, one thousand seven hundred and eighty, entitled "An act for the more effectual supply and honorable reward of the Pennsylvania troops in the service of the United States of America."<sup>1</sup>

[Section XX.] (Section XXXIV, P. L.) And be it further enacted by the authority aforesaid, That if any householder in this state shall, on the demand of the assessor of the township, ward or district in which such householder shall reside, refuse or neglect to give proper information to such assessor of the name and occupation of every such single freemen, inmate or sojourner as shall at the time of such demand be a lodger or sojourner in the house of such householder, every such householder shall forfeit and pay the sum of three pounds for every such offence to be recovered as other fines and forfeitures are recoverable, and be applied to and for the repairs of the public highways in the district in which the offence shall have been committed.

[Section XXI.] (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That every of the said city and county commissioners and every of the said assessors and assistant freeholders shall respectively before they enter upon the duties required by this act take the following oath or affirma-

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<sup>1</sup> Passed March 1, 1780, Chapter 880.

tion before a justice of the peace of the city or county in which he is to officiate: that is to say;

The oath or affirmation of a commissioner.

I, A. B. do swear (or affirm, as the case may be) that I will well and truly quota the several townships, wards and districts, and cause the rates and sums of money imposed by the act of the general assembly, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this state," to be duly and equally assessed and laid according to the rules and directions mentioned in the said act to the best of my skill and knowledge so far as relates to the duty of a commissioner; which office I will in all things diligently and faithfully execute and perform to the best of my abilities without sparing any person for favor or affection or aggrieveing any for hatred or dislike.

The oath or affirmation to be taken by the assessors and assistants respectively.

I, A. B. do swear (or affirm, as the case may be) that I will faithfully and impartially execute and perform the duties required of me according to the directions of the act of general assembly, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this state," according to the best of my skill and understanding; and that in assessing the quota of taxes required of the (township, ward or district) of \_\_\_\_\_ by virtue of the said act, I will not spare any person for favor or affection nor aggrieve any for hatred or dislike.

[Section XXII.] (Section XXXVI, P. L.) And be it enacted by the authority aforesaid, That the aforesaid commissioners for the said city and counties respectively or any two of them, shall and may annually or oftener if necessary, choose and appoint some fit person being a freeholder for or in each and every township, ward or district within such city and county to be the collector of the taxes to be raised within such district, by virtue of this act: And the said commissioners shall make fair duplicates of the assessment of each and every township, ward

and district within such county, and appoint days of appeal for the said districts severally, which duplicates shall be given or transmitted to the said district collectors respectively, together with the warrant of the said commissioners in writing to every such collector expressing the day of appeal and directing him to notify every person named in such duplicate of the sum assessed and to be demanded from him or her and of the time and place of appeal, which notice it shall be the duty of every such collector to give either in person or by writing left at the house or place of abode of every such person at least five days before the day of appeal and after such notice shall have been given, such collector shall return the duplicate so by him received to the commissioners in order that the same be adjusted according to the determinations on appeals.

[Section XXIII.] (Section XXXVII, P. L.) And be it enacted by the authority aforesaid, That if any person shall find him or herself aggrieved by any such assessment as aforesaid, he or she may apply to the commissioners of the proper county on the day so as aforesaid appointed and notified at which time the assessor and assistants shall attend the meeting of the commissioners. And the said commissioners shall strictly examine every person appealing, upon oath or affirmation or otherwise concerning the cause of such appeal and upon such examination or other evidence the said commissioners shall diminish, add to, or confirm the assessment made, as to them shall appear just and reasonable. And if it shall appear that any estate or taxable matter hath been omitted out of any assessment or that the tax thereon is not charged to the proper person the said commissioners shall call before them the person or persons interested therein and rectify all such mistakes in the assessments as justice shall require. And if any person whose property has been so omitted shall refuse or neglect to appear on due notice before the said commissioners or to give an account of his or her taxable estate, such person shall be rated and charged in the assessment double the sum which would otherwise have been rated and charged.

[Section XXIV.] (Section XXXVIII, P. L.) And be it enacted by the authority aforesaid, That as soon as may be after the said

appeals are over and the assessments corrected and established accordingly the said commissioners shall transmit fair duplicates of such assessments to the said district collectors respectively together with a warrant under their hands and seals or of any two of them authorizing and requiring every such collector to demand, levy and receive from the persons named in such duplicate the rates and sums therein expressed to be assessed on such persons respectively immediately after the expiration of ten days from the day of appeal as aforesaid. And if any person or persons shall neglect or refuse to make such payment within forty days after demand made by the collector it shall and may be lawful to and for such collector and he is hereby commanded and required to apply to some justice of the peace within the city and county where such delinquents reside, and to deliver to such justice a list in writing, signed by such collector, containing the names of all such delinquents, together with the sums of money due from them respectively according to the said assessments.

[Section XXV.] (Section XXXIX, P. L.) And be it enacted by the authority aforesaid, That every justice of the peace to whom application shall be made by any collector as aforesaid shall thereupon issue his warrant to any constable of the township, ward or district in which such delinquents shall reside, to levy and recover such sum or sums of money respectively by distress and sale of the goods, chattels and effects of such delinquents respectively or by imprisonment of the person of any such delinquent as the case may require and render such moneys to the said collector within twelve days after the receipt of any such warrant.

[Section XXVI.] (Section XL, P. L.) And be it enacted by the authority aforesaid, That any and every constable to whom any such warrant shall be directed and delivered shall forthwith proceed to demand the moneys therein required from every such delinquent and if such delinquent be not found at his or her usual place of abode or shall refuse or neglect forthwith to pay the sum of money so demanded, together with the costs then accrued the said constable shall seize and take into his possession and custody such and so much of the goods, chat-

tels and effects of such delinquent as shall be necessary to satisfy and defray the same and advertise such goods, chattels and effects in three or more of the most public places in such district for sale at a certain time and place to be mentioned in such advertisements, not more than six days from the time of making such seizure, nor within less than four days from the publication of such advertisements, and shall proceed to the sale of the same accordingly, and after payment of the sum due to the collector and deducting such reasonable costs as shall be allowed and awarded by the said justice shall return the overplus arising from such sale if any thereby to the owner or late possessor of such goods and effects so seized. And if sufficient effects cannot be found whereon to make distress as aforesaid such constable shall and he is hereby required to take the body of any such delinquent and deliver him or her to the sheriff or keeper of the county gaol and the said sheriff or keeper of such gaol shall detain such delinquent in close custody without bail or mainprize until payment be made of the whole or the residue as the case may be of such tax and costs or until such delinquent be otherwise legally discharged.

(Section XLI, P. L.) And whereas it may happen that the owner or proprietor of lands or tenements may not reside within the township, ward or district where the same are situate and it may be difficult for the collector to find such owner or proprietor:

[Section XXVII.] Be it therefore enacted by the authority aforesaid, That every tenant or other person residing on or using or occupying any such lands or tenements, together with the goods, chattels and effects of such tenant or other person as well as the said lands and tenements and the goods, chattels and effects of the owner thereof are and shall be subject to the payment of the taxes thereon assessed and subject to the like distress and sale for the recovery thereof as are herein before expressed; and such tenant or other person as aforesaid who shall pay any such tax assessed on any such lands or tenements or from whom the same shall be recovered as aforesaid shall and may retain the same out of the rent due or growing due from any such tenant or other person for the use of such lands or

tenements or recover the same with costs of suit and damages by action of debt of and from the owner or owners of such lands or tenements: Provided always, That nothing herein contained shall in any manner alter or affect any contract made between any landlord and tenant respecting the payment of taxes.

[Section XXVIII.] (Section XLII, P. L.) And be enacted by the authority aforesaid, That if any person legally chosen as an assessor or an assistant to the assessor as aforesaid or any person appointed by the commissioners as aforesaid as an assessor or an assistant or a collector shall not within four days after notice in writing of such his election or appointment make known to the commissioners of the county or some one of them his determination to serve in or to decline the office to which he shall have been so chosen or appointed, the said commissioners may deem and adjudge such person to have refused to serve in such office, and shall thereupon proceed to the recovery of the proper fine for such refusal and shall appoint another in his stead.

[Section XXIX.] (Section XLIII, P. L.) And be it enacted by the authority aforesaid, That the fine to be imposed on any person refusing to serve as an assessor or an assistant shall be the sum of ten pounds and the fine to be imposed on any person refusing to serve as a collector of a township, ward or district shall be the sum of ten pounds; and if an assessor, assistant or collector after having taken upon him such office, shall neglect or refuse to perform any of the duties enjoined and required of such officer by this act, he shall forfeit and pay for every such offence the sum of ten pounds; and if any person chosen and appointed as an assessor, assistant or collector to whose hands any warrant, duplicate or other writing necessary to the assessing or collecting of the said taxes shall come, shall detain the same after having declined as aforesaid to serve in such office, and after demand thereof made by the said commissioners, or by any person by them authorized to demand and receive the same, every person so offending shall be fined the sum of ten pounds, which fines shall severally be prosecuted for and recovered before any justice of the peace in the county where they may respectively have been incurred on application of the said com-

missioners or any one of them, the treasurer of the county or of any other person who shall produce to the said justice proper cause of complaint against any such delinquent or offender and the same shall be paid into the treasury of the proper county for the use of such county.

[Section XXX.] (Section XLIV, P. L.) And be it enacted by the authority aforesaid, That the collectors of the several districts as aforesaid shall within ninety days after having respectively received the corrected duplicate as aforesaid subsequent to the appeal pay into the hands of the proper treasurer of the county in which he shall be a collector the whole amount of the taxes charged and assessed in such duplicate without further delay or excuse except such part thereof as he shall have returned an account of as aforesaid to some justice of the peace and excepting also such part thereof as may be assessed on lands and tenements, whereon no owner, tenant, occupier or effects subject to distress and sale can be found, on pain of being answerable for and charged with the whole sum so remaining unpaid to be recovered by action of debt against such collector at the suit of the said treasurer of the county; and all the estate, real and personal of such delinquent collector is and shall be taken and deemed to be bound as a security for the payment for such sum at and from the expiration of the said ninety days, as fully to all intents and purposes as if judgment had then been entered against him for the said debt in a court of record. And the said collector shall moreover forfeit and pay for every week he shall neglect to pay the whole amount of the said taxes (excepting as before excepted) the sum of five pounds to be recovered on conviction before any justice of the peace on complaint of the county treasurer and paid into the treasury of the proper county and accounted for and applied as aforesaid.

[Section XXXI.] (Section XLV, P. L.) And be it enacted by the authority aforesaid, That it shall be and it is hereby declared to be the duty of the county treasurers within this state respectively and they are hereby severally enjoined and required to call upon the several district collectors within their respective counties for the punctual performance of the duties

required by them by this act and to prosecute such as may prove delinquent for the fines and penalties imposed for such delinquencies. And the said county treasurers are hereby respectively enjoined and required to pay or cause to be paid into the state treasury all such sum and sums of money as they shall respectively receive for taxes by virtue of this act as speedily as possible after such receipt of the same and to deliver or transmit to the state treasurer once in every month from and after the first receipt of money by virtue of this act an exact account of their respective receipts and payments of the taxes of the current year and of the arrearages due at every such period. And if any of the said county treasurers shall neglect or refuse to perform any of the duties required and enjoined by this act such neglect or refusal shall be deemed a breach of the duties of his office and he shall be prosecuted thereon accordingly.

(Section XLVI, P. L.) And whereas divers tracts of lands and real estate made taxable by this act may remain unoccupied and without proper effects to be found thereon, from which the payment of the taxes may be procured:

[Section XXXII.] Be it enacted by the authority aforesaid, That if the owner or owners of any such land or real estate or some person in his, her or their behalf shall not appear and pay or tender to the collector of the district in which the same shall be found the full amount of the taxes rated and assessed on such land and real estate within thirty days after the time allowed for an appeal on such assessment, such district collector shall make return thereof to the commissioners of the county within which such lands and real estate are situate, and the said commissioners shall advertise such lands and real estate or so much thereof as shall be necessary to pay such taxes and the necessary charges for sale at a certain time and place in such advertisements to be mentioned not less than three months after the publication thereof and such advertisement shall be exposed to and continue in public view in three or more of the [most] public places in the said district and also at the court house of the said county, and printed in one of the English and one of the German news-papers for two months before the day

of sale; and if the whole amount of such taxes and the additional charges thereon shall not then be paid as aforesaid the said commissioners shall then proceed to sell by public auction to the highest bidder the said lands and estates or so much thereof as shall be necessary to effect the payment of the said taxes and the charges of procuring the same, and return the overplus arising from such sales if any there be to the owner or owners of such lands and estate or to his, her or their legal representative, and such commissioners shall convey the land and estate so sold to the purchaser in fee simple or such other estate as the late owner or owners thereof had and held immediately before such sale by deed duly executed under the hands and seals of the said commissioners or any two of them which deed shall be absolute and available in law against all prior claims whatsoever.

[Section XXXIII.] (Section XLVII, P. L.) And be it enacted by the authority aforesaid, That if any of the county commissioners aforesaid shall refuse or neglect to perform any of the duties required by this act, he or they so offending shall severally forfeit and pay to the use of the proper county such fine as the supreme executive council shall award, not exceeding one hundred pounds for any one offence to be recovered by action of debt in any court of record where the same may be cognizable.

[Section XXXIV.] (Section XLVIII, P. L.) And be it enacted by the authority aforesaid, That the taxes and sums of money to be levied and collected by virtue of this act shall be paid and discharged in gold or silver money at the rate of three pounds for one-half Johannes of Portugal money, weighing nine pennyweight of gold, and seven shillings and six pence for one Spanish milled dollar weighing seventeen pennyweight and six grains of silver and so in proportion for other gold and silver money or in the bills of credit herein after directed to be made and issued and in no other money whatsoever.

Section XXXV. (Section XLIX, P. L.) And be it enacted by the authority aforesaid, That the pay and allowance to the several officers to be employed in the assessing, levying and collecting the taxes to be laid and collected, by virtue of this act shall

be as follows that is to say, to the commissioners for the city and several counties, each ten shillings per day, and to the assessors and assistant freeholders, each seven shillings and six pence per day for each and every day the said commissioners and assessors and assistants shall respectively be bona fide employed in the duties required of them by this act. To the collector at the rate of six pence in the pound on all such sums as they shall respectively collect and pay to the county treasurer, and no more. And to the county treasurers, at and after the rate of fifteen shillings for every hundred pounds which they shall respectively receive and pay into the state treasury, and no more, which said several sums and allowances shall be drawn from the respective county treasurers out of the moneys arising from the county rates and levies and the accounts there of shall be finally submitted to the examination of the justices and grand juries in like manner with other accounts against the county.

[Section XXXVI.] (Section L, P. L.) And be it enacted by the authority aforesaid, That the commissioners of each respective county shall and they are hereby enjoined and required as early as possible to prepare and make a true and fair transcript of all the returns of property made taxable by this act and the valuation of the same, together with the pound rate laid thereon and the sums quoted on each respective township, ward or district, and to lay the same before the house of assembly at their next meeting after such returns shall have been made; and in order to facilitate the said business as well as the other duties required of the said commissioners they are hereby empowered to employ such suitable clerk or clerks as they may find necessary for their aid in the same which clerk or clerks shall be paid [for] his or their services out of the county rates and levies as aforesaid.

(Section LI, P. L.) And whereas from the scarcity of gold and silver money in the country the inhabitants of this commonwealth are suffering much inconvenience for want of a sufficient circulating medium of internal commerce and it is deemed expedient that a moderate sum in bills of credit should be issued

and that their punctual redemption should be secured by the funds herein before established.

[Section XXXVII.] (Section LII, P. L.) Be it further enacted by the authority aforesaid, That bills of credit to the amount or value of one hundred and fifty thousand pounds and of the several denominations hereinafter mentioned, shall be prepared and printed on good strong paper as soon as conveniently may be after the passing of this act under the care and direction of the trustees hereinafter mentioned and appointed; which bills of credit shall severally be prepared and printed in the words following, that is to say, "This bill by law shall pass current for \_\_\_\_\_ within the commonwealth of Pennsylvania according to an act of the general assembly passed at Philadelphia, the \_\_\_\_\_ day of \_\_\_\_\_ Anno Domini one thousand seven hundred and eighty-five." And each of the said bills shall have the arms of the state as an escutcheon in the margin thereof, together with such other device or devices as the said trustees shall think proper as well to prevent counterfeits as to distinguish their several denominations. And the said bills shall be of the several denominations and in the quantities following, that is to say:

Fifty-four thousand five hundred and forty-five of twenty shillings each.

\* Fifty-four thousand five hundred and forty-six of fifteen shillings each.

Fifty-four thousand five hundred and forty-five of ten shillings each.

Fifty-four thousand five hundred and forty-six of five shillings each.

Fifty-four thousand five hundred and forty-six of two shillings and six pence each.

Fifty-four thousand five hundred and forty-six of one shilling and six pence each.

Fifty-four thousand five hundred and forty-six of nine pence each.

And fifty-four thousand five hundred and forty-six of three pence each.

[Section XXXVIII.] (Section LIII, P. L.) And be it enacted by the authority aforesaid, That the said trustees shall severally take the oath or affirmation following before a justice of the peace and before they enter upon the said office, to-wit:

"I, A. B. do swear (or affirm, as the case may be) that as one of the trustees for preparing bills of credit according to the directions of an act of assembly, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this state;" I will use my best endeavors to comply with the directions and true meaning of the said act and I will diligently and carefully attend to the printing and preparing the said bills and will not knowingly permit or suffer any fraud to be committed therein by the printer or his servants or any other person and I will deliver or cause to be delivered every bill which shall be so printed and prepared within my knowledge to the treasurer of this state." And the printer and his servants and workmen who shall be employed in the said business shall severally take an oath or affirmation well and faithfully to perform the trust reposed in them touching the said business without fraud, concealment or embezzlement. And the said trustees shall have the charge and care of the press and other materials during the process of the printing and shall not suffer the same to be proceeded in but in the presence of one or more of them; and when a sufficient number of bills shall have been printed, shall take the same, together with all proof sheets and impressions and the types of the devices by them invented or directed to be used in the course of the said business into their custody and deliver the same to the treasurer of this state, who shall afterwards deliver out the said bills to be signed and numbered, as herein after is mentioned.

(Section LIV, P. L.) And in order to perfect the said bills of credit, according to the true intent and meaning of this act:

[Section XXXIX.] Be it enacted by the authority aforesaid, That every denomination of the said bills shall be numbered from number one, progressively, and that each and every of the said bills of the denomination of ten shillings and upwards shall

be signed by three of the persons herein after named and appointed as signers; and that each and every of the said bills of a smaller denomination down to one shilling and six pence, inclusive, shall be signed by two of the said signers; and that such of the said bills that are of a smaller denomination shall be signed by one of said signers, and the said treasurer shall deliver out the said bills to the said signers to be numbered and signed as aforesaid in such manner and in such quantities at a time as he in his discretion shall think proper, taking proper receipts for such deliveries and taking care that all such bills so delivered out be duly returned into the treasury after being signed and numbered as aforesaid.

[Section XL.] (Section LV, P. L.) And be it enacted by the authority aforesaid, That John Biddle, George Solosser, Joseph Dean, John Wharton, be, and they are hereby appointed trustees for procuring materials and preparing the bills of credit aforesaid and that each and every of the said trustees, who shall perform the duties herein required, shall be allowed and paid the sum of fifteen shillings for every day he shall be employed bona fide in the said service. And that John Chaloner, William Turnbull, George Lattimer, Reynold Keen, Andrew Tybout, Edward Fox, James Collins, Peter Bayntor, William Smith, druggist, Samuel Murdoch, James Bayard, Joseph Redman, Robert Smith, merchant, John Rhea, William Gray, brewer, William Tilton, Francis Wade, Thomas Irvin, Charles Risk, Andrew Pettit, James McCrea, John Taylor, Samuel Caldwell, Stacy Hepburn, [and] John Duffield, be, and they are hereby appointed signers of the said bills according to the directions herein before mentioned and shall be severally allowed and paid for the same at and after the rate of ten shillings for every thousand of the said bills which they shall respectively sign and number as aforesaid, all which wages, together with all [other] contingent expenses of procuring materials and preparing and perfecting the said bills of credit shall be paid out of the public treasury of this state and charged on the fund herein before mentioned the account of the said charges respectively being first adjusted and certified by the comptroller-general and approved by the supreme executive council.

[Section XLI.] (Section LVI, P. L.) And be it enacted by the authority aforesaid, That when and so soon as the said bills of credit shall be perfected and re-delivered to the treasurer as aforesaid, they shall severally be taken, deemed and accounted for, as money in his hands, according to the nominal value expressed in the said bills respectively, and appropriated accordingly in manner following, that is to say, the amount or value of fifty thousand pounds thereof shall be reserved for the purpose of erecting and establishing a loan-office in this state in such manner as the legislature shall direct and the residue of the said bills of credit shall be appropriated for and towards the payment of the sum and sums herein before directed to be paid into the hands of the continental loan-officer in this state and for and towards the payment of the interest due on the debts of this state as herein before mentioned.

[Section XLII.] (Section LVII, P. L.) And be it enacted by the authority aforesaid, That the bills of credit herein before directed to be made and issued shall be taken, deemed and received as equal to gold and silver money for the sums mentioned in each bill, respectively, in all payments to this state for lands purchased or to be purchased within the same and for arrearages due on lands already located or warranted and also for the arrearages of all general taxes heretofore assessed, and for [the] taxes herein directed to be assessed and collected; and for the debts due to the state, and for all customs, imposts, duties and debts whatsoever which shall hereafter arise and become due to this state by virtue of this act or of any act or law heretofore made; and the several officers and persons appointed and authorized to receive and collect the same, are hereby directed to receive such bills of credit accordingly, any law, usage or custom, to the contrary in anywise notwithstanding.

[Section XLIII.] (Section LVIII, P. L.) And be it enacted by the authority aforesaid, That if any person or persons shall presume to counterfeit any of the bills of credit herein directed to be prepared, perfected and issued by printing or procuring to be printed any such bills of the likeness and similitude of any of the said genuine bills of credit, and if any person or persons shall forge or procure to be forged the name or names of any

of the signers of such genuine bills of credit to any such counterfeit bill or bills, whether such counterfeiting or forging be done within this state or elsewhere or shall utter any such bill or bills knowing the same to be so counterfeited as aforesaid, every such person so offending and being thereof legally convicted, by concession, standing mute, or by verdict of a jury in the supreme court or court of oyer and terminer shall suffer death without benefit of clergy. And if any person or persons shall counterfeit any of the said bills of credit by altering the denomination thereof with design to increase the value of the same or shall utter any of the said bills knowing them to be so counterfeited or altered as aforesaid and shall be legally convicted thereof as aforesaid, every such person so convicted shall be sentenced to the pillory and to have both his or her ears cut off and nailed to the pillory; and moreover, every such offender shall forfeit the sum of one hundred pounds to be levied on his or her lands and tenements, goods and chattels, one-half thereof to the use of the commonwealth and the other half to the use of the person or persons who shall make discovery of such offence and prosecute such offender to conviction.

(Section LIX, P. L.) And to the end that the bills of credit aforesaid may be fully and fairly redeemed and cancelled.

[Section XLIV.] Be it enacted by the authority aforesaid, That from and out of such of the said bills of credit which shall be paid into the treasury of this state in the year of our Lord one thousand seven hundred and eighty-six by means of the taxes, debts and duties aforesaid, the treasurer for the time being shall and he is hereby authorized and directed to cancel or cause to be cancelled so many of the said bills as shall amount to the sum of twenty thousand pounds by punching or piercing a hole not less than the size of one-eighth [h] of a dollar through some part of each bill, near the centre thereof, which bills so cancelled he shall report to the general assembly at their next meeting thereafter and when a committee of the said assembly to be appointed for the purpose shall have examined and counted the said cancelled bills such bills shall be burned in their presence and report thereof shall be made to the house

and entered on the journals of their proceedings. And the like sum of twenty thousand pounds of the said bills of credit shall be cancelled and burned in like manner in the year of our Lord one thousand seven hundred and eighty-seven and the like sum in each succeeding year until the whole of the said bills of credit shall have been so redeemed, cancelled and destroyed.

[Section XLV.] (Section LX, P. L.) And be it enacted by the authority aforesaid, That the treasurer of this state for the time being shall be allowed by way of commission for his trouble and expenses in receiving such moneys as he shall receive by virtue of this act and for paying and cancelling the same as herein before directed eight shillings and four pence for every hundred pounds he shall so received and pay away or cancel as aforesaid and no more.

Passed March 16, 1785. Recorded L. B. No. 2, p. 434, etc. See the Acts of Assembly passed March 25, 1785, Chapter 1140; April 4, 1785, Chapter 1159; September 10, 1785, Chapter 1174; March 1, 1786, Chapter 1202; March 8, 1786, Chapter 1209; March 24, 1786, Chapter 1218; March 3, 1786, Chapter 1204; April 8, 1786, Chapter 1226; March 28, 1787, Chapter 1284; October 4, 1788, Chapter 1374; December 8, 1789, Chapter 1473; April 6, 1791, Chapter 1545; April 9, 1791, Chapter 1560; as to section 18 (Section 31, P. L.) see the Act of Assembly passed September 19, 1786, Chapter 1242.

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## CHAPTER MCXXXVIII.

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### AN ACT FOR THE BETTER REGULATION OF JURIES.

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(Section I, P. L.) Whereas the due regulation of juries is of the utmost importance to the liberty and happiness of the people, and the constitution of this state recommends to the legislature thereof to provide by law against every corruption or partiality in the choice of juries:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Common-

wealth of Pennsylvania in General Assembly met, and by the authority of the same, That every sheriff and coroner hereafter commissioned within this state shall before he enter on the execution of his office besides the usual oath or affirmation of office as required by the constitution and laws of this state take the following oath or affirmation according to law, "I, A. B. do swear (or being conscientiously scrupulous of taking an oath, affirm) that in executing every writ or precept that shall come to my hands for the return of jurors I will use my utmost diligence to prevent any man from being summoned or returned by me or by any officer under me for a juror who in my judgment will be influenced in determining any of the matters which shall come before him as a juror by hatred, malice or ill-will, fear, favor or affection or by any partiality whatever."

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the sheriff or other proper officer to whom the return of process for the trial of causes shall belong shall summon and return as jurors sober and judicious persons of good reputation and none other.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That every sheriff or any officer to whom the return of *venire facias* *juratores*, or other process for the trial of causes before the judges of *oyer and terminer*, general gaol delivery and *nisi prius* doth belong, shall, upon return thereof, unless in cases where a special jury shall be struck by rule of court, annex a panel to the said writ containing the Christian and surnames, additions, and places of abode of a competent number of jurors, the names of the same persons to be inserted in the panel annexed to every such writ for the trial of all issues in civil and criminal causes at the said courts in each respective county; which number of jurors in any county shall not be less than forty-eight nor more than sixty without the direction of the judge or judges appointed to go the circuit and sit as judge or judges of *oyer and terminer*, general gaol delivery or *nisi prius*, in such county, who are hereby empowered and required if he or they see cause by order under his hand or their hands to direct a greater number not to exceed eighty and

then the number so directed shall be the number who shall be summoned and returned to serve on such juries respectively.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the sheriff of the county of Philadelphia or other county where the supreme court of judicature shall be holden or other officer to whom the return of the venire facias juratores or other process for the trial of causes at bar before the justices of the said supreme court doth belong, shall, upon return thereof, unless in cases where a special jury shall be struck by rule of court annex a panel to the said writ containing the Christian and surnames, additions and places of abode of a competent number of jurors; the names of the same persons to be inserted in the panel annexed to every such writ for the trial of all issues to be tried at the bar of the said court during the ensuing term, which number of jurors shall not be less than forty-eight nor more than sixty, who shall be the number who shall be summoned and returned to serve on such juries.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That every sheriff or other officer to whom the return of the venire facias juratores or other process for the trial of causes before the justices of the county court of common pleas in any county doth belong, shall, upon return thereof, unless in cases where a special jury shall be struck by rule of court, annex a panel to the said writ containing the Christian and surnames, additions and places of abode of a competent number of jurors, the names of the same persons to be inserted in the panel annexed to every such writ for the trial of all issues in causes in that court at the next term which number of jurors shall not be less than twenty-four nor more than thirty-six, who shall be the number who shall be summoned and returned to serve on such juries.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the sheriff or other officer to whom the return of venire facias juratores or other process for the trial of causes before the justices of the general quarter sessions of the peace and gaol delivery in any county or in the city of Philadelphia doth belong shall, upon return thereof, annex a panel to the said writ containing the Christian and sur-

names, additions and places of abode of a competent number of jurors for the trial of all issues in the respective court at the next sessions, which number of jurors in any county or in the said city shall not be less than thirty-two nor more than forty-four, who shall be the number, who shall be summoned and returned to serve on such jury.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the sheriff or other returning officer in every county and in the city of Philadelphia shall summon each of the said jurors at least ten days before the day of the return of the writ or process and shall cause a copy of the panel to be made by him as aforesaid to be openly and publicly fixed up in his office and another copy thereof to be in like manner fixed up in the office of the prothonotary or of the clerk of the proper court from which the same writ or process shall have issued seven days at the least before the day of the return of such writ or process in order that the parties therein concerned may have due and timely notice of the persons who may be called to serve on such jury and the persons whose names shall be thus fixed up and no other shall be returned as jurors upon such writ or process as aforesaid.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the name of each and every person who shall be so summoned and impanelled shall be written on several and distinct pieces of parchment or paper the same pieces being all as nearly of equal size and shape as may be by the prothonotary or clerk of the court or his agent who shall by direction and under the notice of the judge or justice therein presiding roll the said papers severally in like manner as nearly as may be and put them together in a box to be provided for that purpose by the said prothonotary or clerk, and when any cause shall be brought on to be tried some indifferent person by direction of the court, shall, in open court, draw out of the said box twelve of the said parchments or papers, one after another, and if any of the persons whose names shall be so drawn, shall not appear, or be challenged and set aside, then such further number of the said parchments or papers shall be drawn until twelve persons of those who appear and who be

not set aside be had to serve on the jury and the said twelve persons so first drawn who appear and shall be allowed, their names being marked in the panel, and they being sworn or affirmed as the law directs shall be the jury to try the cause so brought on to be tried as aforesaid; and the parchments or papers which bear the names of the persons, who shall be so drawn, and sworn and affirmed, shall be kept apart by themselves, in some other box, to be provided as aforesaid and kept for that purpose until such jury shall give in their verdict, and the same be recorded, or until the said jury shall, by leave of the court, or consent of the parties in the cause, be discharged, and then the same names shall again [be] rolled up, and returned to the box first before mentioned, there to be kept with the other names, remaining at that time undrawn; and so toties quoties, as long as any cause shall remain to be tried, during the term, sessions, or holding of the court.

[Section IX.] (Section X, P. L.) Provided always and be it enacted by the authority aforesaid, That if any cause shall be brought on to be tried in any of the courts aforesaid, respectively, before that the jury which may be charged in any other cause shall have given in their verdict, or shall be discharged, it shall and may be lawful for the court to order, that twelve of the remaining parchments or papers aforesaid (not containing the names of any of the jurors in such other cause) to be drawn in manner aforesaid for the trial of the cause which shall be so brought on to be tried.

[Section X.] (Section XI, P. L.) And be it furtherr enacted by the authority aforesaid, That every person whose name shall be so drawn as aforesaid and who shall not appear after being openly called three times, due proof being made by the oath or affirmation of the sheriff or other credible person that such person so making default hath been lawfully summoned, shall forfeit and pay for every such default in not appearing upon call as aforesaid unless some reasonable cause of such person's absence be proved by affidavit to the satisfaction of the same court or to the next succeeding court such fine not exceeding six pounds as the court shall think proper to inflict, which fine the sheriff of the proper county shall, within twenty days after

the next succeeding court aforesaid, levy by virtue of a writ to be issued by the court and pay the same to the prothonotary or clerk of the same court.

[Section XI.] (Section XII, P. L.) Provided always and be it enacted by the authority aforesaid, That if a sufficient number of the persons who shall be so summoned and returned to serve as jurors in manner as is herein before directed shall not appear at the court to which they shall be so summoned or if by reason of challenges or otherwise there shall not be a sufficient number of jurors ready for the trial of any cause then brought on to be tried, in such case upon order of the court for filling the jury tales de circumstantibus shall be immediately summoned and returned by the sheriff unless he be liable to some legal exception; and in such case to be returned by the coroner unless he be also liable to such exception and then to be returned by two proper and indifferent persons to be appointed by the court for that purpose; and the persons who shall be thereupon summoned and returned shall attend and serve as jurors at such court accordingly and in case any of the persons who shall be summoned as tales de circumstantibus shall refuse or neglect to attend as aforesaid the court shall inflict such fine upon such defaulters as is herein before directed in other cases upon persons who being summoned as jurors shall fail so to do and every such fine shall be levied, collected and paid over by the sheriff of the county as is herein before enjoined.

[Section XII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That in any case wherein a view shall be allowed in any case, six of the jurors named in the panel or more of them, one-half thereof to be nominated by one party, and the other half by the other party; and in case either party shall refuse to make such nomination then the same shall be selected by the sheriff or other officer, who shall have the view and such of the said viewers who appear at calling the jury to try the said cause shall first be sworn and affirmed to try the same before any drawing as aforesaid and so many jurors only shall be drawn as aforesaid to be added to the said viewers who appear as shall after default and allowed challenges make up

the number twelve, to be sworn and affirmed for the trial of such cause.

[Section XIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the sheriff or other officer to whom the return of process for the returning of juries shall belong shall from time to time, enter or register in a book to be kept for that purpose alphabetically the surnames of all such persons who shall be summoned and shall attend and serve upon juries in the said courts with their Christian names, additions and places of abode; and also the times of their respective services; and every person so summoned and attending or serving as aforesaid shall upon application by him made to such sheriff or other officer have a certificate testifying such his attendance or service; which certificate such sheriff or other officer is hereby directed and required to give without fee or reward; and the said book shall be delivered over by such sheriff or other officer to his successor, and to be quoties, from time to time.

[Section XIV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That no person shall be returned to serve on a grand jury or on a petty jury in any of the said courts respectively (cases of special juries excepted) who hath served as a juror in any of the same courts within the space of one year preceding and if any sheriff or other officer shall wilfully transgress therein the court to which such person shall be summoned contrary to this act on examination and proof in a summary way of such offence may set a fine upon such offender as to the said court shall seem meet not exceeding ten pounds and not less than three pounds for any one offence.

[Section XV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That whenever any verdict in a civil action or cause shall be taken the plaintiff or defendant for whom the same shall be given shall forthwith pay to the prothonotary or clerk of the court thirty shillings which shall be taxed with the costs and afterwards re-paid by the party against whom such verdict shall be given if the same be a verdict wherein costs be recoverable for the use of the party [so] advancing that sum; and the money so to be collected together

with the fines upon persons who shall be summoned as jurors and who may make default shall be a fund towards defraying the expenses of the juries who shall attend on the said courts respectively and if the same prove deficient the prothonotary or clerk of the respective court is hereby authorized and required to make an order to be approved and signed by the judge or justice who shall preside in such courts in favor of each juror for such balance as may be due for his attendance or service as aforesaid on the treasurer of the county who is hereby required to pay the same. Each juror whether grand juror or petty juror as well upon special as common juries to be allowed for every day he shall attend or serve as aforesaid five shillings and no more and provision shall accordingly be made in estimating and laying the county rates in the several counties of this state.

[Section XVI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for any plaintiff or plaintiffs, defendant or defendants, in any civil action or cause depending in any court to enter a rule for a special jury to be struck before the prothonotary or clerk of such court for the trial of any issue joined in such action or cause and triable by a jury of twelve men in such manner as special juries have heretofore been struck, which jury so struck, shall be summoned in manner aforesaid and shall attend and serve under the penalties herein before directed to be inflicted on other jurors making default as aforesaid, the same to be levied, collected and paid over by the sheriff of the proper county in like manner as is in other cases by this act enjoined.

[Section XVII.] (Section XVIII, P. L.) Provided always and be it further enacted by the authority aforesaid, That every such jury shall be struck thirty days at [the] least before the day of the return of the process for summoning such jury to attend and that the party entering such rule shall forthwith serve a copy thereof on the attorney of the other party, together with a copy of the list of jurors so to be struck and due notice to attend to strike the same, at the office of the said prothonotary or clerk.

[Section XVII.] (Section XIX, P. L.) And be it further en-

acted by the authority aforesaid, That the party who shall enter such rule for striking a jury as aforesaid shall bear and pay the fees for striking the same and shall not have any allowance for them upon taxation unless the court upon trial shall certify that it was proper the cause should be tried by a special jury.

[Section XIX.] (Section XX, P. L.) And be it enacted by the authority aforesaid, That if any person shall be legally summoned in the supreme court or other court of record of this commonwealth as a grand juror or as a special juror and such person shall not appear accordingly but shall make default, the judge or judges or justices of the proper court shall inflict such fine upon such offender not exceeding six pounds unless reasonable cause be shown as aforesaid as to the court shall seem proper, to be levied, collected and paid over in like manner as is by this act authorized and directed in other cases and to be applied to like uses and purposes.

[Section XX.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the regulations in and by this act directed shall take effect and be in force from and after the first day of September next.

Passed March 19, 1785. Recorded L. B. No. 2, p. 458, etc. See the Acts of Assembly passed September 13, 1787, Chapter 1307; March 27, 1789, Chapter 1412.

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## CHAPTER MCXXXIX.

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### AN ACT FOR DIRECTING THE MODE OF DISTRIBUTING THE DONATION LANDS PROMISED TO THE TROOPS BY THIS COMMONWEALTH.

(Section I, P. L.) Whereas the general assembly by a resolution passed the seventh of March, one thousand seven hundred and eighty, did resolve upon certain allowances of land to be given by this state to the officers and privates of the Pennsylvania line as therein particularly specified:

And whereas, by an act of assembly passed the twelfth day of March, one thousand seven hundred and eighty-three, a cer-

tain tract of country therein described, was located and set apart, exclusively for the purpose of fulfilling the aforesaid grant:

Therefore, in order that the persons to whom the said allowances were made may have the same distributed to them respectively and legal titles granted vesting in them the right thereto;

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the surveyor-general shall forthwith appoint deputies, such as shall be approved of by the supreme executive council for the purpose of surveying and laying off in lots the said tract of country, which deputies shall severally give bond to the state with sufficient security in the sum of eight hundred pounds conditioned for the faithful performance of the duties of their office and shall follow such directions and instructions as they may from time to time receive from the executive council and surveyor-general.

(Section III, P. L.) And whereas difficulties may arise in determining the cases to which the said grant of lands by the aforesaid resolution shall extend and whether the same doth also include the grant of lands promised to the army by congress:

[Section II.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That all officers and soldiers of the Pennsylvania regiments or of independent corps acknowledged by this state as of the quota of Pennsylvania in the federal army and officers being citizens of this state at the time of their entering into the service, not attached to the line of any state, who have served therein until the end of the [late] war with Great Britain; and all officers as aforesaid who have been deranged by the regulations and arrangements of the army according to act of congress passed October one thousand seven hundred and eighty, or at any subsequent period of the war, together with the widows and children or either thereof of such officers and privates aforesaid as were slain in battle or died in the service, shall be and they are hereby entitled to lands ac-

cording to the pay and rank they held last before they left the said service in the proportions laid down in the resolution aforesaid.

(Section V, P. L.) And whereas the general assembly by their resolutions of the twenty-first of March, one thousand seven hundred and eighty-three did declare, that the honorable the Baron Steuben, late inspector-general of the American army should be entitled to receive from this state a grant of lands equal to a major-general of the Pennsylvania line and that Lieutenant-Colonel Tilghman should be entitled to a grant of lands equal to a Lieutenant-Colonel of the same line.

And whereas, by resolutions of assembly of the twenty-first of February, one thousand seven hundred and eighty, and the twenty-third of December, one thousand seven hundred and eighty and by act of assembly passed the twenty-second day of December, one thousand seven hundred and eighty-one, the troops therein directed to be raised were promised like proportions of land with the Pennsylvania line:

[Section III.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That the said Major-General Baron Steuben, Lieutenant-Colonel Tilghman, and the aforesaid officers and soldiers of the troops raised by virtue and in pursuance of the aforesaid resolutions of the twenty-first of February and twenty-third of December, one thousand seven hundred and eighty, and the aforesaid act of the twenty-first day of December, one thousand seven hundred and eighty-one, shall also be and they are hereby entitled to lands according to the pay and rank they respectively held last before they left the service in the proportions aforesaid.

[Section IV.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That the said grant of lands by this state shall not include the donation of lands promised by congress as aforesaid nor shall it be construed so as to affect or invalidate the claim of the said troops thereto.

(Section VIII, P. L.) Provided nevertheless, That no person shall be entitled to any lands agreeable to this act by virtue of any promotion or rank obtained by brevet or other commission

unless he hath actually been allowed pay agreeable thereto by the United States.

[Section V.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the comptroller-general of this state shall and he is hereby directed forthwith to form complete lists of the persons entitled to receive lands agreeably to this act annexing thereto their rank and the quantity to which they are respectively entitled and shall lay the same before the supreme executive council who shall thereupon give orders to the surveyor-general that he may instruct his deputies what number of lots to survey and in what quantities to lay them off.

[Section VI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the lots shall be of four descriptions, one to contain five hundred acres each, another three hundred acres each, another two hundred and fifty acres each, and another two hundred acres each, with the usual allowances, that a quantity equal to what may be necessary for the major-generals, brigadier-generals, colonels, captains, and two-thirds of the lieutenant-colonels shall be laid off into lots of five hundred acres; a quantity equal to what may be necessary for the regimental surgeons and mates, also for the chaplains, majors and ensigns, into lots of three hundred acres each, a quantity equal to what may be necessary for one-third of the lieutenant-colonels, and for the sergeants, sergeant-majors and quarter-master-sergeants, into lots of two hundred and fifty acres, and a quantity equal to what may be necessary for the lieutenants, corporals, drummers, fifers, drum-majors, fife-majors and privates, into lots of two hundred acres each, and that the surveyor-general, and every of his deputies [respectively] shall, before they proceed to the execution of the duties prescribed by this act, take and subscribe an oath or affirmation, that, in laying off the lots as aforesaid, he will not choose out the best land, either as to quality or situation, to favor any one of the foregoing four classes of lots, to the prejudice or injury of the others nor of this state, and in running the boundary lines of the lots, the surveyors respectively shall cause the same to be well defined, by marking the trees on the lines at small distances and

particularly the angles and corners and on the north-western corner tree of each lot shall be marked in Roman figures the number of the lot and if the said corner should be a post then the said number to be marked on a tree in said lot most contiguous thereto and shall transmit copies of their field-notes with the draughts and returns into the surveyor-general's office.

[Section VII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the surveyor-general shall give [such] instructions to his several deputies concerning the numbering of the classes of lots respectively as that they may succeed each the other in numerical order and that each of the said classes shall commence with the number one and proceed on numerically and that no two of the same class of lots shall bear the same number.

[Section VIII.] (Section XII, P. L.) And be it futher enacted by the authority aforesaid, That when a sufficient number of lots shall be surveyed and be turned to the surveyor general he shall cause a draught to be laid down of the whole noting on each the number thereof which shall be kept by the supreme executive council until after all the applications agreeable to this act shall have been satisfied and afterwards shall be safely deposited in the office of the master of the rolls as a public record, to serve, to all intents and purposes, in lieu of recording the patents, any law, custom or usage, to the contrary notwithstanding.

[Section IX.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the supreme executive council shall cause numbers, correspondent to each of the four classes, to be made on pieces of square, white paper, as nearly of an equal size as may be and the said numbers separately and carefully in their presence to roll and bind up well with silken thread as uniformly as possible and deposit the same in four wheels like unto lottery wheels to be by them provided at the expense of the state for that purpose, which wheels shall be well turned round, before any applicant shall be permitted to draw therefrom and the same shall be frequently afterwards repeated that the said wheels shall be kept in safe custody under the direction of a committee of three of the members of the supreme

executive council, to be chosen by the board from time to time, and sealed except when drawing from, that the said committee shall judge and determine on the right of every applicant to receive grants of land under this act, allowing an appeal to the supreme executive council in all cases of doubt and difficulty, whose decision thereon shall be final and conclusive and having approved thereof shall admit each applicant by himself or order (except in cases where alienation is prohibited before the distribution of the lands) if a major-general to draw four tickets from the wheel containing the numbers on the five hundred acre lots; if a brigadier-general three tickets from said wheel, if a colonel two tickets from said wheel, if a lieutenant-colonel, one from said wheel, and one from the wheel containing the numbers on the two hundred and fifty acre lots, if a surgeon, chaplain or major two tickets from the wheel containing the numbers of the three hundred acre lots, if a captain one ticket from the wheel containing the numbers on the five hundred acre lots, if a lieutenant two tickets from the wheel containing the numbers on the two hundred acre lots, if an ensign or regimental surgeon's mate one ticket from the wheel containing the numbers on the three hundred acre lots, if a sergeant, sergeant-major or quarter-master-sergeant, one ticket from the wheel containing the numbers on the two hundred and fifty acre lots; and if a drum-major, fife-major, drummer, fifer, corporal or private sentinel one ticket from the wheel containing the numbers on the two hundred acre lots.

[Section X.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said committee shall make report from time to time to the supreme executive council of the numbers drawn for or by each applicant and the president or vice-president in council shall then forthwith cause to be filled up and sealed with the state seal and signed and delivered, patents for the lots respectively, corresponding to the numbers so drawn, which patents shall be provided and printed at the expense of the state in sufficient quantities upon parchment in manner and form following, viz:

The Supreme Executive Council of the Commonwealth of Pennsylvania, to all whom these Presents shall come, Greeting:

Know ye, that in consideration of the services rendered by \_\_\_\_\_ in the late army of the United States (or in the service of this state, as the case may be) there is granted by the said commonwealth unto the said \_\_\_\_\_ a certain tract or parcel of land lying in the county of \_\_\_\_\_ (describing the particular bounds of the land, and the number it bears) with its appurtenances, unto the said \_\_\_\_\_ his heirs and assigns forever (here insert the usual tenure and reservation.) In witness whereof his Excellency \_\_\_\_\_ Esquire, President (or, if absent, the Honorable \_\_\_\_\_ Esquire, Vice-President) of the Supreme Executive Council hath hereunto set his hand and caused the state seal to be affixed, the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and \_\_\_\_\_ of the commonwealth.

Attest:

Secretary.

And the supreme executive council shall insert [in] the general draught and within each lot, the name and rank of the person, for whom it was drawn.

[Section XI.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the following fees shall be allowed for surveying, draughting and returning, as herein before directed, and no other, that is to say, for every lot of five hundred acres, three pounds, every lot of three hundred acres, two pounds, every lot of two hundred and fifty acres, and every lot of two hundred acres, one pound ten shillings, which allowance shall include all expenses of chain-bearers, markers and other charges, to be paid by each applicant, in proportion to his lands, previous to his being admitted to draw. And whereas the term of two years limited in the law passed March, one thousand seven hundred and eighty-three appears to be too short for making all the applications, a considerable part thereof having since elapsed:

[Section XII.] (Section XVI, P. L.) Therefore be it enacted and it is hereby enacted by the authority aforesaid, That the said term shall be extended to continue until the expiration of

one year after the surveyor-general shall have returned to council the draught of the lots laid down as herein before directed of which return public notice shall immediately be given by council in the newspapers and the drawing and patenting shall then forthwith commence.

[Section XIII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That immediately after the termination of the period allowed for making applications as aforesaid, the supreme executive council shall cause the remaining lots and the residue of the lands appropriated as aforesaid which may not be applied for to be laid off, advertised and sold within a reasonable time under their direction for the benefit of the state; and that all certificates shall be receivable in payment of the purchase money thereof which are now receivable at the land-office for the purchase money of lands sold by this commonwealth agreeable to law.

(Section XVIII, P. L.) And whereas the lines of the western and northern boundaries of this state are not yet run and the lands appropriated for the army and herein directed to be surveyed extend thereto:

Therefore, in order to avoid interference by surveying lands without the lines of this state.

[Section XIV.] (Section XIX, P. L.) Be it enacted and it is hereby enacted by the authority aforesaid, That the supreme executive council shall direct in such manner as may be best that the lands remote from the said boundaries shall be first surveyed until the said lines shall be run for the completion of which measures are already taken by the state.

[Section XV.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That an agent duly qualified shall be appointed by the supreme executive council, who shall proceed immediately and explore the country to be laid off, agreeable to the directions of this act, noting the quality of the land in the several parts [thereof,] the hills, mountains, waters, creeks, marshes, uplands, bottom land, etc., and such [other] occurrences as may deserve notice, with their situation, and distance, but particularly the parts of the land which he may deem unfit for cultivation.

[Section XVI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the said agent shall take and subscribe an oath or affirmation before the supreme executive council well and truly to execute the business [hereby] entrusted to him without partiality or favor either to the state or any individual and for his services and expenses herein he shall be allowed at the rate of one pound and ten shillings for every day he shall be so employed.

(Section XXII, P. L.) Provided always, That the length of time charged by him shall not exceed four months, and the supreme executive council shall draw for such part of his pay to enable him to proceed on the business as may to them seem proper.

[Section XVII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That the remarks, notes and description of the country made by the said agent as before directed shall be published as soon as possible under the direction of the supreme executive council.

[Section XVIII.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That the surveyor-general shall appoint such a sufficient number of deputies in manner aforesaid as to have the whole tract of country surveyed and returned to him on or before the first of February, one thousand seven hundred and eighty-six, and if any deputy so as aforesaid appointed who shall accept thereof shall not have returned the surveys assigned him within that period his bond shall be put in suit immediately after to be recovered by the attorney-general for the use of the commonwealth. And the agent to be appointed as directed by this act shall also report to the surveyor-general from time to time if any of the deputies neglect or unnecessarily delay the performance of their duty.

Passed March 24, 1785. Recorded L. B. No. 2, p. 464. See the Acts of Assembly passed September 13, 1788, Chapter 1352; September 30, 1791, Chapter 1592; April 6, 1792, Chapter 1637; April 17, 1795, Chapter 1855.

## CHAPTER MCXL.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR RAISING COUNTY RATES AND LEVIES."<sup>1</sup>

(Section I, P. L.) Whereas in and by the act of general assembly, entitled "An act for raising county rates and levies,"<sup>1</sup> which was passed in the late province of Pennsylvania during the year of our Lord one thousand seven hundred twenty and four, it was directed and enacted that if any commissioner of any of the counties should refuse to act, or should misbehave, or die, during the time for which he might be chosen, that the other remaining commissioners and the assessors of the proper county for the time being should at their next meeting after such death, refusal, misbehavior or neglect, in every such case appoint another commissioner to act in his stead, so dying, refusing to serve, misbehaving or neglecting:

(Section II, P. L.) And whereas in and by an act of general assembly of this commonwealth, entitled "A supplement to an act for funding and redeeming the bills of credit of the United States of America and for providing means to bring the war to an happy conclusion,"<sup>2</sup> passed on the nineteenth day of December, one thousand seven hundred and eighty, it was enacted that the office of county assessors should thenceforth cease and that the commissioners of the several counties should thenceforth do and perform the several duties formerly done by the said county assessors whereby the appointing of county commissioners to supply vacancies happening as aforesaid hath devolved upon the two commissioners, who at the time when such vacancy shall happen may be in office:

And whereas it would be more consistent with the constitution of this commonwealth that the appointment of county com-

<sup>1</sup> Passed March 20, 1724-5, Chapter 284.

<sup>2</sup> Passed December 19, 1780, Chapter 919.

missioners so to be made by the remaining commissioners of the proper county should be available until the next general election and no longer than that such appointment should as heretofore supply the vacancy until the next triennial rotation in the said office as the same is regulated and established by the act first before recited:

Wherefore:

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act if any of the commissioners of any of the counties of this state shall happen to die, or shall misbehave in his said office and shall therefore be legally removed, or shall remove his place of abode out of the bounds of the proper county, or if such commissioner shall on account of sickness or bodily infirmity or other good cause be excused or dismissed from his said office by the other commissioners of the county (such dismission to be approved of by the justices of the peace of the same county met in quarter sessions) or if any person who shall from and after the passing of this act be duly elected or appointed to serve as one of the commissioners shall neglect or refuse to take upon himself the said office, that in any of the cases aforesaid and in any other case wherein a vacancy in the number of commissioners of any county shall happen, that the remaining commissioners of the same county shall at their next meeting nominate and appoint some suitable person to fill such vacancy and if two vacancies in the office of county commissioners shall happen to be in the same county at the same time then such vacancy shall be filled by the nomination and appointment of two or more of the justices of the peace of such county with the remaining commissioner, and every such appointment by the said justices and commissioner, in case the person so appointed shall take upon himself the said office, shall be certified by the other commissioners under their hands and seals (within twenty days after such person shall take the oath or affirmation of office) to the justices of the peace of the county and the said certificate, together with the said oath or affirmation in writing

taken before two justices of the peace of the county shall be filed in the office of the clerk of the quarter sessions and the justices of the peace of the county at their next quarter sessions of the peace shall direct the certificates of such appointment to be recorded as in case of returns into the said office by the judges of elections is directed by the act of assembly first before recited.

(Section IV, P. L.) Provided always, That no such appointment of any county commissioner or commissioners as aforesaid shall be available for any longer time than the next ensuing general election of this commonwealth when the office of every such commissioner so appointed shall cease and determine.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That at every general election in any county wherein any vacancy or vacancies in the office of commissioners of the same county shall have happened during the year preceding the freemen of the said county duly qualified to vote shall supply the vacancy or vacancies which have happened as aforesaid by choosing such and so many proper persons to be commissioners of the said county as may be requisite, such persons to continue in office for and during the residue of the term of three years according to the triennial rotation of commissioners of counties directed and established by the said first recited act and no longer.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act if any person who shall be duly elected or appointed to the office of commissioner of any of the counties of this state shall refuse or neglect to take upon himself the duties of said office for thirty days after he shall have notice of such election or appointment or if any such person having taken upon himself the duties of the said office shall refuse or neglect to perform and discharge the duties thereof according to law he shall forfeit and pay any sum not less than ten pounds nor exceeding fifty pounds for every such refusal or neglect to be adjudged, levied and recovered in the same manner as the fines imposed and inflicted by the act aforesaid for raising county rates and

levies is directed, which fines, when recovered, shall be paid to the treasurer of the proper county and considered and accounted for as part of the county stock.

(Section VII, P. L.) And whereas irregularities, abuses and frauds have of late greatly affected the general election of the different counties of this state and in some cases the choice of county commissioners hath been thereby rendered uncertain and no easy and summary method hath been heretofore provided for examining, inquiring into and determining thereupon, whereby there may be vacancies for long and inconvenient spaces of time in the full number of commissioners of the county wherein such irregularities, abuses and frauds may happen.

[Section IV.] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That the returns of the elections of the commissioner or commissioners of any county made into the office of the clerk of the quarter sessions of the peace, of the county, by the proper returning officer according to law shall be subject to the inquiry, determination and judgment of the justices of the peace of the county, or [of] any three or more of the said justices, due notice of the time and place of such inquiry having been first given to every of the justices of the peace of the county, by one or more of the commissioners of the same county, who, upon their own knowledge or upon the complaint in writing of fifty or more of the freemen of the said county of undue election or return of a person or persons to serve as commissioner or commissioners of the county, shall call together the justices of the peace of the county to make inquiry concerning the same and the said justices shall, in judging concerning such election, proceed upon the merits thereof, and shall determine concerning the same according to equity and good conscience; and the said justices shall cause their clerk to take the testimony of witnesses who may be examined concerning such election, in writing, and to file the same in his office and the officers of the said election and every of them, and every other person who may be capable of testifying concerning such election, or who shall be possessed of any papers, lists, tickets, books or other documents which may be useful as evidence upon any inquiry as aforesaid, shall, upon the sum-

mons or demand of the said justices, personally appear before them or shall deposit such papers, lists, tickets, books and other documents, of which each one severally may be possessed on pain of being attached and imprisoned for neglect, refusal or contempt therein.

(Section IX, P. L.) And whereas great parts of the lands in the frontier counties of this state are held by non-residenters as well as inhabitants, and the same lie unseated by which means such lands, so held, are not liable by the laws heretofore made to bear any part of the expense of supporting the county wherein the lands to lie:

And whereas it is but just and reasonable that all estates held and lying within any of the counties, [as] aforesaid, should bear a part of the expenses of said counties:

Therefore:

[Section V.] (Section X, P. L.) Be it enacted by the authority aforesaid, That from and after the passing of this act the commissioners of each county in this state shall and are hereby empowered and required as often as any county rates and levies are required for the support of such counties to assess and levy a proportionable part of county tax on all unseated tracts of land within their respective counties as well non-residenters as residenters and to recover the said tax in the same way and manner as they are empowered to do for the recovery of state tax by virtue of the act, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States and for funding and paying the interest of the public debts of this state,"<sup>1</sup> passed the sixteenth day of March, one thousand seven hundred and eighty-five, any law of this state, or custom, to the contrary in anywise notwithstanding.

Passed March 25, 1785. Recorded L. B. No. 2, p. 471, etc.

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<sup>1</sup> Passed March 16, 1785, Chapter 1137.

CHAPTER MCXLI.

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## AN ACT FOR INCORPORATING THE PRESBYTERIAN CHURCH OF FALLING SPRING, IN THE COUNTY OF FRANKLIN.

(Section I, P. L.) Whereas sundry members of the Presbyterian church of Falling Spring, in the county of Franklin, have by their petition prayed that their congregation may be incorporated and by law enabled as a body corporate and politic to receive and hold such charitable donations and bequests as may from time to time be made to their society and vested with such powers and privileges as are enjoyed by other religious societies who are incorporated in this state:

(Section II, P. L.) And whereas it is just and right and also agreeable to the true spirit of the constitution that the prayer of the said petition be granted:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That Patrick Vance, esquire, Benjamin Chambers, Senior, Matthew Wilson, esquire, Josiah Crawford, John Boggs, esquire, Edward Crawford, Junior, the Reverend James Lang, and James Moor, and their successors, duly elected and appointed in such manner as herein after is directed, be, and they are hereby made, constituted and declared to be a corporation and body politic in law and in fact to have continuance forever, by the name, style and title of "The Trustees of the Presbyterian Church of Falling Spring, in the county of Franklin."

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors shall forever hereafter be persons able and capable in law as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments which at any time heretofore have been granted, bar-

gained, sold, enfeoffed, released, devised or otherwise conveyed to the aforesaid congregation of Falling Spring now under the pastoral care of the Reverend James Lang, or to any other person or persons to their use, or in trust for them, and the same lands, tenements, rents, annuities, franchises and other hereditaments are hereby vested and established in the said corporation and their successors forever according to their original use and intention. And the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises or other conveyances thereof, is or are declared, limited or expressed; as also that the said corporation and their successors at all times hereafter shall be able and capable, to purchase, have, hold, receive and enjoy in fee simple, or of any other less estate or estates, any lands, tenements, rents, annuities, liberties, franchises and other hereditaments, by the gift, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic or corporate, capable and able to make the same, and further, that the said corporation, and their successors, may take or receive any sum or sums of money, or any portion of goods or chattels that shall be given to them by any person or persons, bodies politic or corporate, capable of making such gift or bequest, such moneys, goods and chattels to be laid out and disposed of for the use and benefit of the aforesaid congregation agreeably to the intention of the donors.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the rents, profits and interests of the said real and personal estate of the aforesaid church and corporation shall by the said trustees and their successors from time to time be applied and laid out for the maintenance and support of the gospel ministry in said congregation, for repairing and maintaining their house of public worship, lots of land, and other buildings, burial ground, and such pious and charitable uses as shall be agreed on and determined by a majority of the congregation at large called together on due notice to give their free vote in such case.

[Section IV.] (Section VI, P. L.) And be it further enacted

by the authority aforesaid, That when and as often as it may become necessary to rebuild, enlarge or otherwise alter or repair the house of public worship, or any other building belonging to the aforesaid church and corporation, or to erect any new buildings, or to make any new purchases for the use of the said congregation, then and in such case it may be lawful for the aforesaid trustees and their successors to make sale of or otherwise dispose of such part or parcel of the said estate real or personal as a majority of the regular members of said congregation shall by their vote direct, the money arising from such sale or disposal to be laid out and applied agreeably to the vote of the aforesaid majority.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors shall not by deed or any otherwise, grant, alien, convey or otherwise dispose of any part or parcel of the estate real or personal in the said corporation vested, or to be hereafter vested, or charge or incumber the same to any person or persons whatsoever, except in the manner and for the purposes herein before mentioned.

(Section VIII, P. L.) Provided nevertheless, That no deed or other conveyance made by the said trustees or their successors bona fide and for valuable consideration for any part of the real estate of the said church and corporation in case the possession thereof pass immediately to the purchaser and continue in him, his heirs or assigns, shall be called in question, or invalidated for want of the consent of the majority of the regular members of the said church, unless the same be done within seven years [from] and after the sale and delivery of posession of such real estate to such purchaser or purchasers thereof.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said trustees or their successors or a majority of them may from time to time meet as often as they may think necessary for the benefit of the said corporation either on their own adjournments or on public notice from the pulpit the preceding Lords day immediately after divine service and before the congregation is dismissed, or on regular notice in writing left at the house of each trustee; and

the said trustees being so met be authorized and empowered and they are hereby authorized and empowered to elect and appoint from among themselves a president and also to elect and appoint from among themselves or other members of said congregation a treasurer and secretary, and to remove, change or continue all or either of them at pleasure, as shall seem to be most for the benefit of said corporation.

(Section X, P. L.) Provided always, That the meeting or meetings of said corporation be not called without the concurrence of two or more trustees, or of three or more respectable members of said congregation with the president, or without the particular business then to be done and reasons of the meeting being specified in the notification.

[Section VII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said trustees or a majority of them met as is herein directed before shall be authorized and empowered and they are hereby authorized and empowered to make rules, by-laws and ordinances and to do everything needful for the government and support of the secular affairs of said congregation.

(Section XII, P. L.) Provided always, That the said by-laws and ordinances or any of them be not repugnant to the laws of this commonwealth, and that all their laws and proceedings be fairly and regularly entered into a book to be kept for that purpose.

[Section VIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors shall have [full] power and authority to make, have and use one common seal with such device and inscription as they shall think proper and the same to break, alter and renew at their pleasure.

[Section IX.] (Section XIV.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name of the trustees of the Presbyterian Congregation of Falling Spring in the county of Franklin shall be able and capable in law to sue and be sued, plead and be impleaded in any court or before any judge or justice in all and all manner of suits, complaints, pleas, causes, matters and demands,

of whatever kind, nature or form they may be; and all and every matter or thing therein to do, in as full and effectual a manner as any other person or persons, bodies politic or corporate within this commonwealth may or can do.

[Section X.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall always consist of eight members called and known by the name of the trustees of the Presbyterian Congregation of Falling Spring, and the said members shall at all times hereafter be chosen by ballot by a majority of such members met together of the said congregation as shall have been enrolled as stated worshippers with, and yearly contributors to the support of the said congregation for at least the space of one year.

(Section XVI, P. L.) Provided always, That the pastor or minister of said congregation for the time being shall be entitled to vote equally with any members of said congregation, and also that all and every person or persons qualified to vote and elect as aforesaid shall and may be also capable of being voted and elected a trustee as aforesaid, provided he or they be not more than two years in arrear for pew-rent due the said church and congregation.

[Section XI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said Patrick Vance, esquire, Benjamin Chambers, Senior, Matthew Wilson, esquire, Josiah Crawford, John Boggs, esquire, Edward Crawford, Junior, the Reverend James Lang and James Moor, the first and present trustees hereby incorporated shall be and continue trustees until removed in manner following, viz: one-fourth part in the number of said trustees, being the fourth part herein first named shall cease and discontinue and their appointment determine on the first Monday of April which will be in the year of our Lord seventeen hundred and eighty-six; and the second fourth part herein mentioned, shall cease and discontinue, and their appointment determine on the first Monday in April which will be in the year one thousand seven hundred and eighty-seven, and in like manner the appointment of the third fourth part herein mentioned shall cease and determine on the first Monday in April which shall be in the year seven-

teen hundred and eighty-eight, and the appointment of the last fourth part shall cease and determine on the first Monday in April which shall be in the year one thousand seven hundred and eighty-nine, on which days in each of the afore mentioned years respectively new elections shall be held of other trustees instead of those whose appointments shall have ceased and terminated, which manner of discontinuance, determination, new appointment or election, shall be continued on the first Monday of April in every year hereafter forever, so that no person shall be or continue a trustee longer than four years together without being re-elected, which may be done whenever and as often as the members of said congregation qualified to vote as aforesaid described shall think fit.

(Section XVIII, P. L.) Provided always, That whenever any vacancy shall happen by the death, refusal to serve or other removal of any one or more of the said trustees, or in case the members of the said church shall neglect to meet on the first Monday of April in any year, an election shall be held as soon as conveniently can be done and some fit person or persons chosen and appointed as before directed to supply such vacancy, and that the remaining trustees have power to call a meeting of the electors of said congregation for that purpose.

[Section XII.] (Section XIX, P. L.) Provided always and it is hereby enacted by the authority aforesaid, That the clear yearly value interest or income of the lands, tenements, rents, annuities, or other hereditaments and real estate of the said corporation shall not exceed the sum of three hundred and fifty pounds of gold or silver money, at the current value thereof in the commonwealth of Pennsylvania, exclusive of pew rents and other free contributions belonging to the aforesaid congregation, which said money shall be received by the said trustees and disposed of by them for the purposes and in the manner herein before described and directed.

Passed March 25, 1785. Recorded L. B. No. 2, p. 474, etc.

## CHAPTER MCXLII.

AN ACT TO ASCERTAIN, FIX AND ESTABLISH PERMANENT SALARIES  
FOR THE JUDGES OF THE SUPREME COURT.

(Section I, P. L.) Whereas the proper severance and distribution of authority in a free state, the pure and unbiased administration of justice between the citizens, the impartial punishment of offenders and the safety of the innocent when unjustly charged with crimes do greatly depend upon the independency of the judges of the supreme court of judicature of this state as well of the legislature as of the executive branch of government:

(Section II, P. L.) And whereas it is expressly provided in and by the twenty-third section of the frame of government that the judges of the supreme court shall have fixed salaries and be commissioned for seven years:

And whereas fixed and permanent salaries have not been established by act of assembly upon the said judges as ought to have been done, although they have been appointed and commissioned as the constitution of ths state directs:

(Section III, P. L.) And whereas by an act of assembly of the late province of Pennsylvania, entitled "An act to amend an act, entitled 'An act for establishing courts of judicature in this province,'"<sup>1</sup> passed on the twentieth day of March, one thousand seven hundred and sixty-seven and revived by an act of this commonwealth, entitled "An act to revive and put in force such and so much of the late laws of the province of Pennsylvania as it is judged necessary to be in force in this commonwealth, and to revive and establish the courts of justice, and for other purposes therein mentioned,"<sup>2</sup> passed on the twenty-eighth day of January in the year of our Lord one thousand seven hundred and seventy-seven, it was enacted that there should thereafter be four persons of known integrity and

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<sup>1</sup> Passed March 20, 1767, Chapter 560.

<sup>2</sup> Passed January 28, 1777, Chapter 737.

ability commission'd as judges of the supreme court by several and distinct patents or commissions one of whom should be distinguished in his commission by the name of the chief justice;

Therefore.

[Section I.] (Section IV, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the present justices of the supreme court and their successors in office duly commission'd as the constitution and laws of this state direct shall for and during their respective continuance in office be entitled to and shall receive the annual salaries herein after set forth and specified and the same salaries shall be payable to the said justices severally in equal quarterly portions by virtue of warrants for the same drawn upon the treasurer of this state which warrants shall be made and signed by the president or vice-president in council and that every such warrant shall be entered in the office of the comptroller-general of this state before it be presented to the treasurer for payment, that is to say, to the chief justice of the supreme court the sum of one thousand pounds, to the senior assistant justice and to each of the other assistant justices of the same court the sum of six hundred pounds each, and in order to secure the certain and punctual payment of the said salaries in the manner herein before directed out of productive and permanent funds without which it would be of little avail to ascertain and establish the yearly value thereof:

[Section II.] (Section V, P. L.) Be it enacted by the authority aforesaid, That the same salaries shall be charged upon and made payable out of the revenues arising to this state from licenses of taverns and other public houses, and from marriage licenses, and that the salaries aforesaid shall be paid previously to every other appropriation upon the said revenues and funds.

[Section III.] (Section VI, P. L.) And it is further declared and enacted by the authority aforesaid, That the salaries aforesaid are and shall be [the] fixed and permanent salaries of the judges of the supreme courts of judicature which are required by the constitution of this state and the same salaries are es-

tablished as such by the present general assembly, and that therefore they ought not to be hereafter withdrawn, withheld or lessened on any pretence whatsoever.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the act of assembly, entitled "An act for the support of government and the administration of justice,"<sup>1</sup> passed on the twenty-seventh day of December, one thousand seven hundred and eighty-one by which salaries to continue for the space of one year and until the same should be afterwards altered by the legislature were allowed to the justices of the supreme court, as far as the said act relates to the justices of the supreme court, but ne farther, shall be and the same is hereby repealed and made null and void.

Passed March 25, 1785. Recorded L. B. No. 2, p. 479, etc.

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## CHAPTER MCXLIII.

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### AN ACT FOR THE RELIEF OF THE PENNSYLVANIA VOLUNTEERS AND EIGHTEEN MONTHS' MEN.

(Section 1, P. L.) Whereas the honorable the continental congress did on the thirteenth day of April, one thousand seven hundred and eighty-one recommend to the several states to discharge the pay of their respective new levies on account of the United States:

Wherefore, in order to comply with the recommendation aforesaid so far as the same respects this state and in order that justice may be done to those brave men who served agreeably to their engagements:

[Section 1.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the men who have been furnished

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<sup>1</sup> Passed December 27, 1781, Chapter 959.

agreeably to the act of assembly passed the twenty-sixth day of May, one thousand seven hundred and eighty, commonly called the Pennsylvania volunteers, or seven months men, and those who have been raised agreeably to the act of assembly passed the twenty-fifth day of June, one thousand seven hundred and eighty-one, commonly called the eighteen months men, who have served out the term of their enlistments or were honorably discharged and have not been finally settled with, together with the officers who may have been appointed to command any of them and who have not been finally settled with, shall be and are hereby entitled to receive from this state their pay at the same rate for the whole length of their services as is fixed by act of congress of the twelfth day of August, one thousand seven hundred and eighty. And the comptroller-general is hereby authorized and directed to settle their accounts accordingly and to grant them certificates respectively agreeable to the act of assembly passed the first day of April, one thousand seven hundred and eighty-four.

Passed March 25, 1785. Recorded L. B. No. 2, p. 470.

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## CHAPTER MCXLIV.

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AN ACT GRANTING TO JAMES RUMSEY AN EXCLUSIVE RIGHT FOR A CERTAIN TERM OF YEARS TO NAVIGATE AND BUILD BOATS CALCULATED TO WORK WITH GREATER EASE AND FACILITY AGAINST RAPID RIVERS.

(Section I, P. L.) Whereas James Rumsey hath represented to this house by his petition that he hath discovered a more easy and expeditious way of navigating large and heavy loaden boats against the streams of rapid rivers, with a much smaller number of hands than the present way of working requires, and that the discovery will render the inland navigation of this commonwealth more expeditious and much less expensive than at present and hath therefore prayed the sole and exclusive right of constructing, navigation and employing boats, built

and to be built, after his new invented mode, may be granted him, his heirs and assigns, for and during a limited time as a reward for so important and useful a discovery:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act the said James Rumsey, his heirs and assigns, shall have the sole exclusive right of building, navigating and employing boats to be built agreeably to his new method of building and working, for and during the term of ten years, to commence from and after the passing of this act.

(Section III, P. L.) Provided nevertheless, That if the said James Rumsey shall not within the space of twelve months after the passing this act bring into effect his proposed plan for building and navigating boats within this state, that then this act shall be void and of no effect.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall build and navigate any boat or boats upon his plan and navigated in the same way and manner as the new invented boats are within this commonwealth at any time within the aforesaid term of ten years without the consent of the said James Rumsey, his heirs and assigns, had and obtained in writing, he or they so offending shall forfeit the said boat or boats so built without the consent of the said James Rumsey, his heirs and assigns, together with one hundred pounds current money of this commonwealth unto the said Rumsey, his heirs or assigns and recoverable in the same county where the offence was committed, before any court where the same is cognizable by action of debt.

[Section III.] Provided always, That nothing contained in this act shall prevent any further house of assembly of this commonwealth from abolishing this exclusive right, granted to the said Rumsey by this act, upon their paying him, his heirs or assigns the sum of eight thousand pounds in gold or silver.

CHAPTER MCXLV.

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AN ACT FOR THE LIMITATION OF ACTIONS TO BE BROUGHT FOR THE INHERITANCE OR POSSESSION OF REAL PROPERTY, OR UPON PENAL ACTS OF ASSEMBLY.

(Section I, P. L.) Whereas it is necessary for the quieting of estates and for the greater security of real property that provision should be made for the limitation of actions to be brought for any manors, lands, tenements or hereditaments:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from henceforth no person or persons whatsoever shall make entry into any manors, lands, tenements or hereditaments after the expiration of twenty-one years next after his, her or their right or title to the same, first descended or accrued, nor shall any person or persons whatsoever have or maintain any writ of right, or any other real or possessory writ or action, for any manor, lands, tenements or hereditaments of the seizen or possession of him, her or themselves, his, her or their ancestors or predecessors, nor declare or allege any other seizen or possession of him, her or themselves, his, her or their ancestors or predecessors, than within twenty-one years next before such writ, action or suit, so hereafter to be sued, commenced or brought.

[Section II.] (Section III, P. L.) Provided always and be it further enacted by the authority aforesaid, That any person or persons now having right, title of entry as aforesaid, and the heir or heirs of such person or persons, may, within fifteen years from this time, enter or commence any action or suit, as he, she or they, or his, her or their ancestors or predecessors, might have done, before the passing of this act.

[Section III.] (Section IV, P. L.) Provided also and be it further enacted by the authority aforesaid, That if any person or

persons having such right or title, be or shall be at the time such right or title first descended or accrued within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or beyond the seas, or from and without the United States of America, then such person or persons and the heir or heirs of such person or persons, shall and may, notwithstanding the said twenty-one years be expired, bring his or their action, or make his, her or their entry, as he, she or they might have done, before the passing of this act, so as such person or persons or the heir or heirs of such person or persons shall within ten years next after attaining full age, discoverture, soundness of mind, enlargement out of prison, or coming into the said United States, take benefit of or sue for the same, and no time after the said ten years, and in case such person or persons shall die within the said term of ten years, under any of the disabilities aforesaid, the heir or heirs of such person or persons shall have the same benefit that such person or persons could or might have had, by living until the disabilities should have ceased or been removed; and if any abatement happen in any proceeding or proceedings upon such right or title such proceeding or proceedings may be renewed and continued, within three years from the time of such abatement, but not afterward.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That no person or persons that now hath or have any claim to the possession of any lands, tenements or hereditaments, or the preemption thereof, from the commonwealth, founded upon any prior warrant, whereon no survey hath been made, or in consequence of any prior settlement, improvement or occupation, without other title, shall hereafter enter or bring any action for the recovery thereof, or his, her or their ancestors or predecessors unless he, she or they, or his, her or their ancestors or predecessors have had the quiet and peaceable possession of the same within seven years next before such entry or bringing such action; Provided always, That if any person or persons so claiming as aforesaid hath been forced or driven away from his, her or their possessions by the savages, or by the terror of them, or any other persons, or by any other means, except by the judicial authority of the state,

hath quitted the same, during the late war, then such person or persons, and his, her or their heir or heirs shall or may, notwithstanding the said seven years be expired, bring his, her or their action, or make his, her or their entry, within five years from the passing of this act.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all actions, suits, bills, indictments or informations, which shall be brought for any forfeiture upon any penal act of assembly made or to be made, whereby the forfeiture is or shall be limited to the commonwealth only, shall hereafter be brought within two years after the offence was committed, and at no time afterwards; and that all actions, suits, bills or informations which shall be brought for any forfeiture upon any penal act of assembly made or to be made, the benefit and suit whereof is or shall be by the said act limited to the commonwealth, and to any person or persons that shall prosecute in that behalf, shall be brought by any person or persons that may lawfully sue for the same, within one year next after the offence was committed, and in default of such pursuit, that then the same shall be brought for the commonwealth, any time within one year after that year ended; and if any action, suit, bill, indictment or information shall be brought after the time so limited, the same shall be void, and where a shorter time is limited by any act of assembly, the prosecution shall be within that time.

[Section VI] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That no deed, grant, conveyance or assurance heretofore given by any sheriff of any of the counties within this state, bona fide, and for a valuable consideration, of any lands, tenements or hereditaments whatsoever, where quiet and peaceable possession hath been had of the same for the space of six years, shall be adjudged or taken to be defective, avoided or prejudiced for not producing in court, upon trial or otherwise, any writ of fieri facias, levari facias, or venditioni exponas or any returns thereupon, or for want of proof that due and legal notice of the sales of the same was given or for not having been recorded in the office for recording of deeds.

Passed March 26, 1785. Recorded L. B. No. 2, p. 482, etc. See the Acts of Assembly passed March 11, 1800, Chapter 2129; March 12, 1800, Chapter 2132.

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## CHAPTER MCXLVI.

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### AN ACT TO REGULATE THE FISHERY IN THE RIVER SCHUYLKILL.

(Section I, P. L.) Whereas divers laws have heretofore been enacted for regulating the fisheries in the river Schuylkill and for the preservation of the fish in the said river, whereby many useful and necessary regulations and provisions were made conducting to the general advantage of a great number of the inhabitants of this commonwealth residing near the said river, yet for want of some further regulations the inhabitants dwelling near the upper parts thereof have not reaped such advantages from the said laws which the good intentions of the several assemblies seem to point out:

[Section II, P. L.] And whereas some of the justices of the peace of this commonwealth have refused to act under the said laws (from an apprehension that they had expired by their own limitation) whereby the advantages aforesaid are no longer to be expected:

(Section III, P. L.) And whereas it hath been a common practice with the inhabitants residing near the lower parts of the said river to fish with divers seines or nets in the same pool or fishing place, by which means, shad and other fish are, in a great measure, prevented from running up to the places, where they usually spawn, which is well known to be far up the river, whereby (for want of a sufficient number of mother fish) the different species are of late extremely diminished, from all which it is evident, that a more full and perfect law is become necessary:

[Section I.] (Section IV, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and

by the authority of the same, That from and after the publication of this act no more than one net or seine shall be cast, drawn or any way made use of in any pool or fishing place by any person or persons whatsoever in the said river in any one term of twenty-four hours, to begin at twelve of the clock at noon, and to continue until the same hour of the day next following; and if any person or persons shall draw or make use of any seine or net in any pool or fishing place in the said river or shall be aiding or assisting therein, within the time aforesaid after any other seine or net hath been within that time taken or drawn out of the same every such person or persons so offending and being thereof convicted before any justice of the peace of the county where he or they shall be apprehended (which justice is hereby authorized and empowered to hear, try and determine the same) shall forfeit the sum of five pounds for every such offence, to be paid to the informer or prosecutor or suffer two months' imprisonment without bail or mainprise. And the better to ascertain what shall be deemed and understood to be a pool or fishing place within the meaning of this act.

[Section II.] (Section V, P. L.) Be it therefore enacted by the authority aforesaid, That so much of the said river as extends from one side or bank to the other side or bank thereof, and from place where seines or nets have usually been thrown in [to] the place where they have been usually taken out, shall be deemed and held, and is hereby declared to be a pool or fishing place within the meaning of this act.

[Section III.] (Section VI, P. L.) Provided always and be it further enacted by the authority aforesaid, That where two or more persons hold or occupy any lands, on the same side of the river, adjoining to any pool or fishing place, nothing herein contained shall in anywise be construed to prevent or deprive any such person from enjoying the privilege of fishing in that part of the river directly opposite their own land, respectively, as a separate pool or fishing place, the partition of which pool to be by continuing the course of division line or lines of the lands of the persons next adjacent, and every such division to be subject to the same rules and regulations, as other pools and

fishing places are by this act made subject; anything in this act contained to the contrary notwithstanding.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That where two or more persons residing opposite to each other near the said river on different sides thereof may have suitable wharves or landing places on their respective shores or on an island opposite thereto for taking or drawing seines or nets out of any pool or fishing place it shall and may be lawful for such persons, respectively to fish with their seines or nets alternately and not otherwise; that is to say, such person or persons, possessing such conveniences as above described, who shall reside near on one side of the river, shall or may fish in such pool or fishing place, with one seine or net only, for and during the time of twenty-four hours, to be computed as aforesaid, and the person or persons possessing such wharf or landing place as above described who shall reside near the other side of the river shall or may fish in such pool or fishing place with one seine or net only for and during the time of twenty-four hours to be computed as aforesaid, next following, and so alternately, during the shad fishing season.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall cast, draw or otherwise make use of any seine or net for catching or taking fish in the said river, or shall be aiding or assisting therein, between the sun's setting on Friday and the sun's rising on Monday, next following, every such person, being thereof convicted in manner aforesaid shall forfeit and pay the sum of five pounds to the use of the informer or prosecutor or suffer two months' imprisonment, without bail or mainprise.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall be found making use of any seine or net contrary to the true intent and meaning of this act, and who, to avoid being known, or prosecuted according to this act shall secrete themselves or abscond from the place and leave their said seine or net in or near the said river, that then, and in such case, on due proof being thereof made before any two justices of the peace the said

seine or net shall be forfeited and the said justices shall direct and order that the said net shall be exposed to public sale after giving five days' notice thereof by advertisement, and the money arising therefrom to be paid, the one half thereof to the informer or prosecutor and the other moiety to the overseers of the poor of the township where the informer or prosecutor resides for the use of the poor of the said township, city or district, the cost of such prosecution and sale being first deducted.

(Section X, P. L.) Provided always in case the parties or owner of such seine or net shall appear at any time within the said five days, that then, and in such case, the said two justices shall hear the parties, and determine the same according to the true intent and meaning of this act, saving to the defendant or defendants the right of appeal from the judgment of the said justices to the next court of general quarter sessions of the proper county, and if the defendant see cause of trial by jury, upon condition that he or they give security to prosecute the same to effect.

(Section XI, P. L.) And whereas it is represented to this house that sundry persons residing near the lower part of the said river (in defiance of the laws heretofore made for regulating the fisheries therein) have, in a daring manner, continued fishing every night through the season when practicable, depending on the difficulty or impossibility of detection as they generally fish without light.

For remedy whereof,

[Section VII.] (Section XII, P. L.) It is hereby further enacted by the authority aforesaid, That upon any information or complaint made to any justice of the peace of the county where any such offence may be committed or of the county adjoining said river opposite to where such transgressions are made, the said justice is hereby authorized and required to send his warrant, directed to any constable, to apprehend all such persons as shall be found aiding, or in anywise assisting in the breach of this act, which persons, when apprehended as aforesaid, he shall take before the said justice or before the nearest justice to the place of such apprehending; and every such person, so offending, and being thereof convicted, by the oath or affirmation of

said constable, and one or more credible witnesses or by his or their own confession, shall forfeit and pay the fine aforesaid or suffer the imprisonment aforesaid and moreover shall pay the cost of such prosecution. And in order to do justice to the inhabitants of this commonwealth, who reside far up the said river.

[Section VIII.] (Section XIII, P. L.) Be it therefore further enacted by the authority aforesaid, That no person or persons shall draw or use any seine or net, for the purpose of catching shad or such as are suitable for that purpose in the said river, nor be aiding or assisting therein, between the mouth thereof, at the lower part of the island, heretofore known by the name of Province Island, and the lower falls, five miles from Philadelphia, after the twentieth day of May, nor between the falls and the mouth of Perkiomen creek, after the twenty-fifth day of said month, nor between the mouth of said creek, and the mouth of Manatawny creek, after the thirtieth day of said month, or between the mouth of said creek, and the ford at the town of Reading, after the fifth day of June, nor in any part thereof, above the said ford, after the tenth day of June, in every or any year, nor draw any seine or net whatever, for at least thirty-five days next after the expiration of the shad fishing season, nor draw any brush or brush nets at any time, after the passing of this act, in any of the said divisions respectively, according to the time above limited for cessation, under the penalty of ten pounds, to be recovered and applied in the manner and [for the] uses in the last recited act directed and expressed.

[Section IX.] (Section XIV, P. L.) And be it further enacted, That the fifth section of an act of assembly, entitled "A further supplement to the act, entitled 'An act for making the river Schuylkill navigable and for the preservation of the fish in the said river,'" <sup>1</sup> shall be and the same is hereby repealed.<sup>1</sup>

Passed March 28, 1785. Recorded L. B. No. 2, p. 484, etc. See the notes to the Acts of Assembly passed March 14, 1761, Chapter 465; March 9, 1771, Chapter 621; March 24, 1781, Chapter 930, and the Acts of Assembly passed March 9, 1786, Chapter 1211; April 13, 1791, Chapter 1569; April 11, 1793, Chapter 1692; April 8, 1799, Chapter 2163.

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<sup>1</sup> Passed March 24, 1781, Chapter 930.

## CHAPTER MCXLVII.

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AN ACT FOR VESTING IN THE AMERICAN PHILOSOPHICAL SOCIETY, HELD AT PHILADELPHIA FOR THE PROMOTING USEFUL KNOWLEDGE, A CERTAIN LOT OF GROUND, BEING PART OF THE STATE HOUSE SQUARE.

(Section I, P. L.) Whereas it is expedient and proper to give all due encouragement to societies established for the purpose of advancing the arts and sciences and promulgating useful knowledge:

And whereas it hath been represented to us by the incorporated Philosophical Society held at Philadelphia, that for the better answering the purpose of their institution it is necessary that they should have a public hall, library and other accommodations:

And whereas the said society have prayed us to grant to them and their successors a lot of ground suitable and convenient for erecting a hall and other buildings necessary for their accommodation;

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That a certain lot or piece of ground, being part of the state house square situated on the west side of Fifth street, and beginning ninety-six feet southward from Chestnut street and thence extending along Fifth street aforesaid, seventy feet south towards Walnut street, thence westwardly on the State House square fifty feet, thence northward in a line parallel to Fifth street seventy feet, and thence eastward fifty feet to the place of beginning, shall and hereby is given and granted to and vested in the American Philosophical Society held at Philadelphia for promoting useful knowledge, to have and to hold the said lot of ground to the said American Philosophical Society and their successors forever; for the pur-

pose of erecting thereon a hall, library and such other buildings or apartments as the said society may think necessary for their proper accommodation.

[Section II.] (Section III, P. L.) Provided always and it is the intention and meaning of this act that the said lot of ground shall not be sold, leased or transferred by the said Philosophical Society or their successors, to any other person or persons or bodies corporate, nor shall the same be applied by the said society to any other use or purpose but that of erecting buildings for the accommodation of the said society as herein before specified.

Passed March 28, 1785. Recorded L. B. No. 2, p. 484. See the Act of Assembly passed March 17, 1786, Chapter 1211.

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## CHAPTER MCXLVIII.

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### AN ACT FOR THE RELIEF OF INSOLVENT DEBTORS NOW CONFINED IN THE SEVERAL GAOLS OF THIS COMMONWEALTH.

(Section I, P. L.) Whereas application hath been made by petition to this house from a considerable number of prisoners confined in divers gaols within this state for debt, to be discharged from further confinement:

And whereas many through misfortune and unavoidable losses are become wholly unable to discharge the several debts due to the commonwealth as well as to individuals:

And whereas the twenty-eighth section of the constitution provides, "That the person of a debtor, where there is not strong presumption of fraud shall not be continued in prison after delivering up bona fide all his estate real and personal for the use of his creditors," therefore in conformity to the aforesaid section of the constitution:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by

the authority of the same, That any three justices of county courts of common pleas in and for the city of Philadelphia and the several counties within this commonwealth, be and they are hereby authorized and required upon the respective petition of the several debtors now confined within the gaols under their jurisdiction whether the amount of their debts respectively to any one person be more or less than one hundred and fifty pounds, to open a special court of common pleas at such time as they think proper and to grant unto them and each of them the like relief as by the laws now in force within this state is provided for insolvent debtors who are confined under executions for debt not exceeding one hundred and fifty pounds to any one person.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the same courts upon the several applications to them to be made as aforesaid shall thereupon proceed in all things (except as herein after excepted) conformably to the purport, true intent and meaning of the several acts of assembly now in force in this commonwealth for the relief of insolvent debtors not owing more than one hundred and fifty pounds to any one person as aforesaid, and that their several and respective discharges shall be equally good and binding to all intents and purposes.

[Section III.] (Section IV, P. L.) Provided always and be it further enacted by the authority aforesaid, That if any creditor or creditors of the respective prisoners now confined in the several gaols within this commonwealth or either of them do not or shall not reside within this state at the time of such proceedings before the said court, that the service of notice of applications to the said court or of any rule or order of the same court in the premises on the known agent or attorney of such creditor or creditors within this state shall be equally valid and effectual as if the same notice or notices were served on such creditor or creditors in person.

(Section V, P. L.) Provided also, That none of the said prisoners now confined as aforesaid shall be debarred or excluded the benefit hereby intended to be granted unto them and each of them by reason that they or either of them have not resided

within this state for the space of two years next before his, her or their imprisonment.

[Section IV.] (Section VI, P. L.) And be it further provided and enacted by the authority aforesaid, That after either or all of the said prisoners confined as aforesaid shall have surrendered all his, her or their property both real and personal for the use of his, her or their respective creditors, and adducing to the court sufficient proof that no fraud or embezzlement hath been committed by them or either of them, it shall not be lawful for the court so discharging him, her or them, to remand to gaol him, her or them although the creditor or creditors of him, her or them so discharged shall desire the same, and offer to give security to pay such weekly allowance to the said debtor or debtors or any of them as the respective courts shall assess.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the same courts shall and may grant relief unto all persons confined as aforesaid, for debt (other than for fines and forfeitures for crimes and misdemeanors) due to the commonwealth or for rent due from them to their respective lessors or landlords in the same manner and form as aforesaid, any law to the contrary notwithstanding.

Passed March 30, 1785. Recorded L. B. No. 2, p. 489. See the Act of Assembly passed April 14, 1729-30, Chapter 315.

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## CHAPTER MCXLIX.

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AN ACT FOR THE RELIEF OF SUCH PERSONS AS HAVE DEBTS DUE TO THEM FROM THE ESTATES OF PERSONS ATTainted OF TREASON AND CONFISCATED IN THE LATE WAR, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas by an act of the Legislature of this commonwealth passed the first day of April, one thousand seven hundred and eighty-four, it was directed that certificates should be issued for balances due by the state to the citizens thereof upon accounts settled by the comptroller-general:

And whereas the claims due from the estates which have been forfeited to this commonwealth by persons attainted of treason, are directed to be ascertained and decreed by the justices of the supreme court:

And whereas it is just and reasonable that equal assurances should be given by the state for payment of these debts as for those which are comprehended in the act first mentioned:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the comptroller-general of this state shall and he is hereby authorized to issue certificates for all claims against forfeited estates decreed by the justices of the supreme court according to law of like kind and in the same manner as certificates are directed to be issued by the aforesaid act of April the first, one thousand seven hundred and eighty-four, and that the interest upon all such claims as are decreed with interest shall be calculated by him upon the principal sums to the first day of July, one thousand seven hundred and eighty-three, at which period the interest commences upon the certificates to be granted, and the same consolidated with the principal aforesaid, likewise that in all cases where bonds or other claims shall not have been decreed to become due with interest until some time posterior to the date last herein mentioned, the interest shall be calculated upon and discounted from such debts, from and after the said first day of July, one thousand seven hundred and eighty-three.

(Section III, P. L.) Provided always, That no certificate shall be granted in favor of the creditors of any person or persons whose estate or estates have been confiscated to a larger or greater amount than the specie value of the net proceeds of the sales of such estates which the comptroller-general is hereby directed to ascertain before any such certificates shall issue, and in all cases where the demands upon any estate exceed such ascertained value he shall lay the same before the judges of the supreme court who shall thereupon decide according to law and equity in what manner and in what proportion the

debts shall be paid out of the assets given, having respect to mortgages, bonds with judgment, obligations and common book debts.

(Section IV, P. L.) And whereas there are debts due by this state on accounts settled, or which may hereafter be settled, in favor of persons who are citizens or neighboring states:

And whereas the aforesaid act of April the first, one thousand seven hundred and eighty-four extends only to those who are citizens of this state:

Therefore:

[Section II.] (Section V, P. L.) Be it further enacted by the authority aforesaid, That all persons who have balances due by this state upon the settlement of their several accounts shall be respectively entitled to receive certificates in like manner as the citizens of this state agreeable to act of the first day of April, one thousand seven hundred and eighty-four, anything contained in the said law to the contrary notwithstanding.

Passed March 30, 1785. Recorded L. B. No. 2, p. 488. See the Act of Assembly passed March 10, 1786, Chapter 1202.

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## CHAPTER MCL.

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AN ACT TO AUTHORIZE THE HOLDING OF PRISONERS, ARRESTED WITHIN THE COUNTY OF MONTGOMERY, FOR DEBTS AND OFFENCES, IN THE GAOL AND WORKHOUSE OF THE COUNTY OF PHILADELPHIA UNTIL A PROPER PRISON SHALL BE ERECTED WITHIN THE COUNTY OF MONTGOMERY.

(Section I, P. L.) Whereas in and by an act of general assembly, entitled "An act to erect part of the county of Philadelphia into a separate county,"<sup>1</sup> passed on the tenth day of September last, the said county of Montgomery was described and set off as a separate county, but no provision was thereby made for the safe custody of persons who might be arrested for debt or offence and be committed to the charge of the sheriff

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<sup>1</sup> Passed December 10, 1784, Chapter 1008.

of the said county of Montgomery, before and until a proper prison should be erected within the said county:

For remedy whereof,

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That in all cases wherein it would be lawful for the sheriff of the county of Montgomery and for the keeper of the workhouse of the same county, respectively to hold in close custody the body of any person in the common gaol or workhouse of the county of Montgomery, if such prisons were at this time provided in and for the same county of Montgomery, that all such persons shall be delivered to and kept in close custody by the sheriff and workhouse keeper of the county of Philadelphia, who upon delivery of such prisoners to them respectively at the common gaol and workhouse of the said county of Philadelphia, shall be answerable in like manner as if the persons so delivered were liable to confinement in the common gaol and workhouse of the county of Philadelphia and the keeper of the workhouse of the county of Philadelphia shall set at work and otherwise order, according to law, all offenders who shall be sent to him from the said county of Montgomery.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the sheriff and the keeper of the workhouse of the county of Philadelphia shall, severally, receive all such prisoners as aforesaid and shall provide for them according to law and shall be entitled to the fees for keeping them, and also to such allowances as ought by law to be made for the maintenance of the same prisoners which allowances shall be defrayed by the commissioners of the county of Montgomery out of the county levies.

(Section IV, P. L.) Provided always, That the prisoners of the said county of Montgomery to be conveyed through the said county of Philadelphia shall not be at the charge or risk of the sheriff or other officer of the county of Philadelphia during their passing or re-passing.

(Section V, P. L.) Provided also, That this act shall cease

and become void after the termination of one year and six months from and after the passing of the same.

Passed March 30, 1785. Recorded L. B. No. 2, p. 491.

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## CHAPTER MCLI.

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AN ACT TO REPEAL AN ACT OF ASSEMBLY, ENTITLED "AN ACT TO CARRY INTO IMMEDIATE EFFECT THE RESOLUTIONS OF THE UNITED STATES IN CONGRESS ASSEMBLED, FOR ADJUSTING THE CLAIMS OF INDIVIDUALS OF THIS COMMONWEALTH AGAINST THE SAID UNITED STATES.<sup>1</sup>

(Section I, P. L.) Whereas by the said recited act the president or vice-president and executive council were empowered to appoint two additional commissioners to expedite the settlement of such claims as aforesaid and vested with similar and equal powers to the officers appointed by the United States in congress assembled to adjust and settle all claims and demands as aforesaid against the said United States:

(Section II, P. L.) And whereas the delay intended to be remedied by the said act is by act of the United States in congress assembled now provided against and the necessary relief granted and thereby the first recited act rendered useless:

Therefore:

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the act, entitled "An act to carry into immediate effect the resolutions of the United States in congress assembled for adjusting the claims of individuals of this commonwealth against the United States,"<sup>1</sup> shall be and the same is hereby repealed and made null and void.

Passed March 30, 1785. Recorded L. B. No. 2, p. 487.

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<sup>1</sup> Passed December 1, 1784, Chapter 1118.

## CHAPTER MCLII.

AN ACT TO SUSPEND AN ACT OF GENERAL ASSEMBLY OF THIS COMMONWEALTH, ENTITLED "A SUPPLEMENT TO AN ACT, ENTITLED 'AN ACT TO ENABLE WILLIAM CLINGAN, THOMAS BULL, JOHN KINKEAD, ROGER KIRK, JOHN SELLERS, JOHN WILSON AND JOSEPH DAVIS TO BUILD A NEW COURT HOUSE AND PRISON IN THE COUNTY OF CHESTER, AND SELL THE OLD COURT HOUSE AND PRISON IN THE BOROUGH OF CHESTER.'"<sup>1</sup>

(Section I, P. L.) Whereas it appears from a variety of petitions remonstrances, memorials and other papers presented to and laid before the late and present house of assembly by a very large number of respectable inhabitants of the county of Chester that a very great and general dissatisfaction and uneasiness prevails and subsists among the greater part of the good people of the said county with the said act and the intended removal of the seat of justice from the ancient borough of Chester to the Turkshead in Goshen township, in the same county, the place mentioned in the said recited act, and with the erection of a court house and prison there; and with the unlimited, dangerous and unprecedented powers claimed by the commissioners under the said act and have humbly prayed that the said recited act and the act to which the same is a supplement may be repealed or suspended:

(Section II, P. L.) And whereas it is but just and reasonable that the grievances which the good people of the said county complain of should be redressed;

Therefore in order to restore tranquility to the said county of Chester and to ease the minds of the good citizens and inhabitants thereof:

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said recited act, entitled "Sup-

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<sup>1</sup> Passed March 22, 1784, Chapter 1087.

plement to an act, entitled 'An act to enable William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson and Joseph Davis, to build a new court house and prison in the county of Chester, and sell the old court house and prison in the borough of Chester,'<sup>1</sup> passed on the twenty-second day of March in the year of our Lord one thousand seven hundred and eighty-four and every article, clause, matter and thing therein, and in the act to which the same is a supplement, passed on the twentieth day of March, in the year of our Lord one thousand seven hundred and eighty, shall be and the same is and are hereby declared to be suspended to all intents and purposes, and that the courts of justice to be held after the passing of this act in and for the said county of Chester shall sit and be held in the said borough of Chester in the same manner as they were and were used and accustomed to before the making the said acts hereby suspended or either of them, anything therein contained to the contrary in anywise notwithstanding, and also that the public gaol or prison for the said county shall be and continue to be in the said borough of Chester in manner aforesaid.

(Section IV, P. L.) And whereas it is but just that the necessary expenses which have hitherto been legally incurred under the said acts by the persons who were thereby authorized and appointed to proceed in purchasing the ground and erecting and building a new court house and prison shall after the accounts are liquidated and settled be re-imburshed and paid by the inhabitants of the said county of Chester;

To which end,

[Section II.] (Section V, P. L.) Be it enacted by the authority aforesaid, That Robert Loller, esquire, George Smith, esquire, Jonathan Roberts, (Upper Merion), John Jones, (Gulph) and Doctor Robert Shannon, or any three of them, shall be and they are hereby authorized, appointed and empowered to adjust and settle the accounts and expenditures of all the moneys necessarily and legally laid out and expended by the persons so as aforesaid appointed by the above recited acts to purchase the ground and erect the said new court house and prison, and on the final settlement of said accounts shall report in writing

under their hands and seals to the commissioners of the said county of Chester the balance justly and legally due to the persons aforesaid, which balance the said county commissioners are hereby authorized and required to assess and levy on the inhabitants of the said county according to the directions of the act for raising county rates and levies.

Passed March 30, 1785. Recorded L. B. No. 2, p. 492. The act in the text was repealed by the Act of Assembly passed March 18, 1786, Chapter 1215.

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### CHAPTER MCLIII.

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#### AN ACT TO DISSOLVE THE MARRIAGE OF HENRY WILLIS WITH MARY, HIS WIFE.

(Section I, P. L.) Whereas Henry Willis of the state of Virginia by his petition hath represented that his wife, late Mary Ross (with whom he contracted matrimony in this state and who is now resident within the same) hath broken her marriage vows and committed the crime of adultery, and hath prayed that he may be divorced from the said Mary and their marriage dissolved: And whereas the facts set forth in the said petition have been fully proved by a conviction in a court of justice, a certificate of which hath been produced.

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act the marriage of the said Henry Willis with the said Mary his wife shall be and hereby is declared to be dissolved, annulled and made void, to all intents and purposes whatsoever, and the said Henry and the said Mary shall be and they are hereby respectively separated, set free and totally discharged from their matrimonial contract, and from all duties and obligations to each other as husband and wife, as fully, as if the said contract of matrimony hath never been entered into by them.

Passed March 30, 1785. Recorded L. B. No. 2, p. 490.

## CHAPTER MCLIV.

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AN ACT TO AUTHORIZE AND ENABLE THE SUPREME EXECUTIVE COUNCIL TO APPOINT COMMISSIONERS TO JOIN WITH THE COMMISSIONERS APPOINTED, OR TO BE APPOINTED, ON THE PART OF THE STATE OF NEW YORK, TO ASCERTAIN THE NORTHERN BOUNDARY OF THIS STATE, FROM THE RIVER DELAWARE, WESTWARD TO THE NORTHWEST CORNER OF PENNSYLVANIA.

(Section I, P. L.) Whereas the late purchase made by the commonwealth from the Indian natives of the residue of the lands within the bounds of Pennsylvania and the opening of the land office for the sale and distribution thereof, which is shortly to take place, make it proper for the sake of peace and for the locating the lands near to and along the northern boundary of this state, that the said northern boundary, which is at the beginning of the forty-third degree of northern latitude should be ascertained with precision, marked and established for all times hereafter. And whereas the same boundary is the line of division, between this state and the state of New York, for the greater part, if not the whole extent thereof, and it appears to this general assembly that the legislature of the state of New York did on the ninth day of March in the present year of our Lord one thousand seven hundred and eighty-five enact a law for the appointment of commissioners to join commissioners to be appointed by this state for the purpose aforesaid:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the executive council shall nominate and by commission under the great seal of this commonwealth appoint two able and skilful persons on the part of this commonwealth, which commissioners or any one of them shall meet with such commissioner or commissioners who are or

shall be appointed and authorized on the part of the state of New York at such time and times, place and places, as shall be concerted and agreed upon by and between the supreme executive council of this state and the persons who shall administer the government of the state of New York for the time being, and then and there ascertain, mark and fix the northern line of boundary of this state, dividing between this state, and the state of New York, by and along the beginning of the forty-third degree of the northern latitude, and from the river Delaware to the northwestern corner of this state, within or near to Lake Erie.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That each of the commissioners to be appointed on the part of this commonwealth as aforesaid shall receive as the reward of his services in ascertaining the said boundary forty-five shillings per diem for every day he shall be employed therein, besides all his accommodations and necessary expenses during the said service, and the executive council shall allow to the said commissioners such and so many necessary assistants for effecting the purposes aforesaid and direct such provision of food and other accommodations and instruments to be made as the business to be performed by the said commissioners shall from time to time require, and shall make and draw orders on the treasurer of this state for the reward of the said commissioners and the charges and expenses which shall be incurred as aforesaid and the same shall be paid out of any unappropriated moneys in his hands.

(Section V, P. L.) [sic.] Provided nevertheless, That if the commissioners to be appointed on the part of the state of New York shall decline running the said line to the utmost western extent of Pennsylvania because the state of New York may be found not to reach so far, or on any other account, the said commissioners to be appointed on the part of this state, may and shall notwithstanding proceed to finish the same line and to mark and fix the said northwestern corner.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the commissioners to be appointed on the part of this state as aforesaid, shall from time to

time make report under their hands and seals to the executive council of their proceedings in the premises and of the line of boundary which shall be agreed upon between them and the commissioners on the part of the state of New York, in order that the same may be ratified and established by act of the legislature of this commonwealth as the boundary of jurisdiction between this commonwealth and the state of New York.

Passed March 31, 1785. Recorded L. B. No. 2, p. 525.

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## CHAPTER MCLV.

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AN ACT TO AUTHORIZE THE APPOINTMENT OF NEW COMMISSIONERS TO EXECUTE THE ACT OF ASSEMBLY, ENTITLED "AN ACT DECLARING THE RIVER SUSQUEHANNA, AND OTHER STREAMS THEREIN NAMED, PUBLIC HIGHWAYS, FOR IMPROVING THE NAVIGATION OF THE SAID RIVER AND STREAMS, AND FOR PRESERVING THE FISH IN THE SAME," AND TO EXTEND THE POWERS OF THE SAID COMMISSIONERS TO ALL PARTS OF THE SAME RIVER WITHIN THIS STATE.<sup>1</sup>

(Section I, P. L.) Whereas divers of the commissioners named in the act of assembly, entitled "An act declaring the river Susquehanna and other streams therein mentioned highways for improving the navigation of the same river and streams and for preserving the fish in the same," which was enacted in the late province of Pennsylvania on the ninth day of March, which was in the year of our Lord one thousand seven hundred and seventy-one, are since deceased, and it is proper that new commissioners be appointed, in the stead of the commissioners who were named in the same act;

Therefore,

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the surviving commissioners who are named in the act aforesaid shall be and the same are hereby

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<sup>1</sup> Passed March 9, 1771, Chapter 627.

superseded and the president and in his absence the vice-president with the council shall as soon as conveniently may be nominate and commission twenty persons of knowledge and activity, residing within twenty miles of the said river or of one of the streams therein named to be commissioners for the purpose declared and set forth in the said act [and in this act] who, or the major part of them, or of their successors, to be appointed in the stead of any commissioner, who shall resign, remove without the limits aforesaid, misbehave or die, shall do and perform all the duties, and exercise all and singular the authorities, which by the act aforesaid, are enjoined upon or vested in the commissioners in the same act named.

(Section III, P. L.) And whereas the commissioners first aforesaid, were, by the said act, restrained from clearing and removing the natural obstructions to the navigation of the same river, southwards of Wright's ferry,

And whereas the extensive countries which are watered by the river Susquehanna, and the numerous branches thereof, are stocked with immense quantities of oak, pine and other trees, suitable for staves, heading, scantling, boards, planks, timbers for ship building, masts, yards and bowsprits, from which great profit and advantage might arise to the owners thereof, if the same could be conducted in rafts and otherwise down the said river to the waters of Chesapeake, which trees must otherwise perish on the lands whereon they grew:

For remedy whereof,

[Section II.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That the river Susquehanna shall be deemed and taken to be a public highway in all parts thereof within this state, from the division line of the state of Maryland and this state upwards, to the town of Northumberland, in the county of Northumberland, and thence, by and along each of the two great branches of the same river, which meet at the said town, in and throughout the whole length and breadth of the same river, and the duties and authorities of the commissioners to be named as aforesaid shall be extended and exercised accordingly.

(Section V, P. L.) And whereas the specific penalties in money provided and declared in and by the act aforesaid for the punish-

ment of offenders against the regulations and directions of the same are from the rise, which, since the enacting thereof, has happened in the prices of most of the necessaries of life, become too small to enforce obedience thereto:

And whereas offences against the same act are in some cases made cognizable before any justice of the peace and the right of trial by jury is thereby infringed;

[Section III.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That all the specific penalties in money provided and declared by the same act shall henceforth in every case be double the sums therein set forth, and every person who shall be charged with offending against the act aforesaid or this act shall be prosecuted in the court of quarter sessions of the peace of the proper county and not in the summary way aforesaid.

[Section IV.] (Section VII, P. L.) Provided always and be it further enacted by the authority aforesaid, That the commissioners to be appointed by virtue of this act shall every year hereafter before the fifteenth day of March within such year render to the comptroller-general of this state a particular account supported by the proper vouchers of all the sums of money which shall come to their hands respectively and of all sums of money which shall be expended by them in pursuance of this act for and during the year preceding, in order that the same may be adjusted, settled and allowed.

Passed March 31, 1785. Recorded L. B. No. 2, p. 493.

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## CHAPTER MCLVI.

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AN ACT TO ENABLE THE AGENT OR AGENTS OF HIS MOST CHRISTIAN MAJESTY TO SUE FOR AND RECOVER IN A MORE SPEEDY WAY ANY DEBT OR DEMAND THAT MAY BE DUE TO THEM IN THIS STATE.

(Section I, P. L.) Whereas the United States in general and this state in particular have received the most important assistance and numerous benefits from the friendship of his most

Christian Majesty, our great and generous ally, and during the course of the late war many large sums of money may have been necessarily entrusted to the different agents who have been employed in furnishing supplies to the fleets and armies of France, whilst employed in our aid and defence, and much time may be required, and many delays may be interposed in the ordinary course of judicial proceedings before the accounts can be liquidated and adjusted, where the agents so entrusted shall not voluntarily settle the same:

And whereas by the laws of this state provision has been made for granting speedy trials to such foreigners as may be sued in our courts and are about to depart and also that all such foreigners as are about to depart, and may have sued in our courts and shall sue in the same for any contract entered into since the tenth day of April in the year of our Lord one thousand seven hundred and eighty-two:

And whereas justice and gratitude require that equal attention be paid to the interest of our generous benefactor his most Christian Majesty:

And whereas the United States in congress assembled by their resolution of the sixteenth day of December last past, upon the representation of the Charge des Affaires of his most Christian Majesty dated the first day of December last have recommended to the different states to pass such remedial laws on the subject aforesaid as their respective constitutions may permit:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all actions and suits which may be commenced or depending in any court or courts within this state by the king of France either in the name of the said king or that of his legal representative or representatives for his use of benefit against any person or persons who shall be charged with having received the moneys of the said king, shall be prosecuted to trial and judgment without delay or the usual imparlances, and that to this end the said court or courts at any time after the return or returns of the capias or summons

or other process at the prayer of the plaintiff or plaintiffs be and they are hereby empowered and required to proceed to give rules in the said causes, to declare, plead and try within such time or times as may be consonant to justice and consistent with the most speedy trial, and the true intent and meaning of this present act.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That in all and every cases aforesaid, the said plaintiff or plaintiffs shall and may at his or their election or elections be entitled to commence his or their action or actions, suit or suits in the supreme court of this state in the first instance, and the said court shall proceed thereupon in like manner as herein before is directed, any law, usage or custom to the contrary in anywise notwithstanding.

(Section IV, P. L.) And whereas it is necessary to the fulfilling the good purposes intended by this act that the agents entrusted by his most Christian Majesty with moneys as aforesaid who have employed and entrusted with moneys under them other agents who are accountable to them should have the like speedy remedy against those who are so employed and entrusted under them:

[Section III.] (Section V, P. L.) Be it therefore enacted by the authority aforesaid, That in all and every the cases last aforesaid whensoever any suit or suits shall be so as aforesaid commenced or depending by any agent or agents employed by the said king of France against any person or persons within this state employed under them as aforesaid, the same suit or suits shall be deemed and taken to be within the meaning of this present act and the plaintiff or plaintiffs therein shall be entitled to the like remedy and the same speedy trial as in and by this present act is intended and provided, and that in all and every [the] cases aforesaid, the court shall inquire into the nature of the suit or demand, and determine, whether the same be within the true intent and meaning of this present act, from the oath or affirmation of the party or parties who are plaintiff or plaintiffs in the said suit or his or their legal representative or representatives.

(Section VI, P. L.) And whereas other dealings and contracts

may have been made and entered into by and between such agent or agents of the said king of France and the person or persons so as aforesaid employed under him or them in their respective capacities other than as agent or agents or officers acting under the said king of such kind or nature as that the balances or moneys due from the one party to the other cannot lawfully or properly be pleaded nor offered in evidence either to increase the demand against any such under agent as aforesaid or in defalcation or diminution of the same, and it is just and reasonable that every such person who may have acted as under agent as aforesaid should have equal remedy by speedy trial and determination for any such separate dealings or contracts as may have arisen between such persons as have acted as agents to the said king of France.

[Section IV.] (Section VII, P. L.) Be it enacted by the authority aforesaid, That it shall and may be lawful to and for any such under agent as aforesaid against whom any demand shall be made for moneys due to the said king of France or his agent or agents on account of such under agency, to commence and prosecute his action or actions against any such superior agent or agents for any debt or demand which such under agent may have against such superior agent in any other capacity, and which cannot lawfully be pleaded or offered in evidence against, or in diminution of such demand of the superior agent as aforesaid, in such manner and form, and under such rules and regulations for speedy trial and judgment, according to justice and equity, as are herein before directed and authorized respecting suits commenced or depending against any such under agent; any law, usage or custom to the contrary in anywise notwithstanding.

Passed April 2, 1785. Recorded L. B. No. 2, p. 494.

CHAPTER MCLVII.

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A SUPPLEMENT TO THE ACTS FOR RAISING AN IMPOST ON GOODS, WARES AND MERCHANISE IMPORTED, FOR SECURING MORE EFFECTUALLY THE REVENUES ARISING FROM THE SAME.

(Section I. P. L.) Whereas it is of great importance that the revenues arising from imposts or duties on goods, wares and merchandize imported should be faithfully collected and accounted for and the laws now in being for regulating the same, are deemed [to be] insufficient.

[Section I.] (Section II. P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That every merchant, factor, agent or other person, having goods, wares or merchandize, on board of any ship or other vessel that shall arrive within any port of this state, or which shall be imported or brought into this state by land, shall make particular entry with the collector or deputy collector of the port or district where the same shall so arrive or be imported of all such goods, wares and merchandize, specifying therein the packages, their marks, numbers and contents, and the net cost of such contents, in the country or place where the same were last purchased; and shall moreover produce to the said collector or deputy collector the original invoice or invoices together with the bill or bills of lading for inspection in support of such entry; and the said collector or deputy collector, having satisfactorily examined and compared the same, shall cause the party making such entry, or the principal clerk, or other person conversant in the business of such party, to make oath or affirmation that the said entry is in all things just and true and contains in manner and form as therein specified the whole of the goods, wares and merchandize imported or brought into this state by such party, or to him, her or them consigned, in such ship, vessel or other carriage, as the case may be, and that the invoice or invoices produced is

or are the true original invoice or invoices, and contain bona fide the whole amount of the first cost of the goods, wares and merchandize, so imported or brought in and entered which oath or affirmation shall be in writing, subjoined to or indorsed on every such entry, and subscribed by the person making the same. And every such collector and deputy collector is hereby severally authorized and empowered to administer such oath or affirmation by virtue of his said office.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every such entry so authenticated and approved by the collector or his deputy in and for the city and port of Philadelphia shall in like manner, before any permit, shall be granted for the landing or unlading of any goods, wares or merchandize therein contained, be examined and compared with the manifest lodged by the master of the vessel at the naval office, and also with the original invoice or invoices, and bill or bills of lading, by the naval officer of the said port or his deputy, and if approved by the said naval officer or his deputy, he shall note in a book to be kept for that purpose the date of such entry, the name of the party making the same, the name of the vessel, and the master thereof by which the goods were imported; the name of the place from whence they were imported, the marks, numbers and kinds of packages contained in such entry, the value or cost of the goods therein contained, and the amount of the duties paid or secured to be paid thereon, and shall certify under or upon such entry such his approbation and registry thereof and return the same to the party with the invoices and bills of lading relating thereto; and on such certified entry being presented to the collector to be filed, he shall grant a permit for the landing or unlading of the goods, wares or merchandize therein mentioned.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the collector or deputy collector, or the naval officer, or his deputy aforesaid, after entry made of any goods, wares or merchandise, either before or after a permit granted for landing the same, on reasonable cause to suspect fraud or unfairness, to take any such goods, wares and merchandise, into his custody

and possession, and in the presence of two or more indifferent persons, as herein after mentioned, to open and strictly examine any bale, box, trunk, cask or other package; and if upon such examination, the same shall be found to agree with the entry made thereof, the collector or deputy collector or naval officer, or his deputy, as the case may be, shall cause every such package or parcel to be closed or repacked, as the case may require, and to be delivered to the owner or proper claimant thereof; the expenses of which examination and repacking, shall be paid by the collector or deputy collector, and allowed in the settlement of his accounts. But in case any such package or packages shall on such examination be found to differ materially in its contents from what is expressed in the original entry and invoice exhibited therewith, whereby the duties may be lessened, and it shall appear, that such variance hath been wilfully made for the purpose of committing a fraud, or evading the payment of the duties, or any part thereof, all such goods, wares and merchandise contained in such entry, together with the packages and covers thereof, shall be forfeited, one half to the use of the collector or naval officer of the port who shall have made the seizure or the deputy collector of any inland district, in which the seizure shall have been made; if such seizure shall have been made on the discovery and mere motion of such officer; but if such seizure shall have been made on the discovery and information of any other person properly communicated to such officer, then such person shall be entitled to receive to his or her use one equal half part of the moiety of such seizure so awarded to the collector, naval officer or deputy collector as aforesaid.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That when any goods, wares and merchandise shall be taken into custody by the collector, naval officer or deputy collector, as aforesaid, the same shall be opened and examined in the presence of two experienced and disinterested merchants of good repute, one of whom to be chosen by such collector naval officer, or deputy collector and the other by the owner, factor, agent or other person who made entry and claim for the goods: And such merchants so chosen, being first

duly sworn or affirmed, before a judge or justice of the peace, faithfully and impartially to discharge the trust and authority committed to them by this act, shall in the presence of such collector, naval officer or deputy collector, and of the party or parties claiming the goods, if he or they shall choose to attend, proceed to view and examine all such goods, wares and merchandise, and compare them with the original entry to be produced by the collector, naval officer or deputy collector, and thereupon shall certify in writing, under their hands and seals, their opinion, whether such entry was honestly and fairly made, agreeably to the quantity, quality and cost of such goods, wares and merchandise, or not; and if such opinion shall be clearly in favor of the owner, or claimant of such goods, wares or merchandise, such collector, naval officer or deputy collector, shall release and deliver up the same in as good plight as he received them, without expense or unreasonable delay, to the claimant; otherwise such collector, naval officer or deputy, shall retain the possession of such goods, wares or merchandise, as a seizure, and proceed by attachment and prosecution, *ad rem*, to final judgment on such seizure.

(Section VI, P. L.) Provided nevertheless, That if the owner or proper claimant of such goods, shall demand the same, or if such goods should be in their nature perishable or liable to loss in value, by the delay of sale, the court before whom such suit shall be depending, or any two of the justices of judges of such court shall order a delivery of such goods to the original owner, consignee or party claiming the same, on good and sufficient security being given by such party, for the full value thereof, and all costs and charges in case of condemnation, or for such costs and charges as may be awarded in case of acquittal, or may order a sale of such goods, wares and merchandise, as the case may require. And provided also, that any goods, wares or merchandise, so taken possession of by the collector, naval officer or deputy collector and found on opening or examination, to have been justly entered, may be exported, and entitled to the same draw back as if the same had not been opened for examination anything in this or any other act to the contrary in anywise notwithstanding.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if the two merchants so chosen as aforesaid, should happen to differ in opinion, they shall jointly choose a third merchant of fair character who being duly sworn or affirmed as aforesaid, shall have equal authority with those first chosen, or if the party claimant shall neglect or refuse to choose such person on his or her part, the collector, naval officer or deputy collector, shall apply to some neighboring justice of the peace, who shall thereupon nominate and appoint two such merchants as aforesaid, to join with the one so appointed by the collector, naval officer or deputy collector, who shall be duly sworn or affirmed as aforesaid, and the opinion of any two of them, signified as aforesaid, shall have the like effect, as if given and signed by such two merchants as are first above mentioned.

(Section VIII, P. L.) And whereas there are no rules directed by law whereby allowances are to be made for wastage or damages on goods, wares and merchandise imported:

[Section VI.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That the collector [or deputy collector] shall be, and is hereby empowered and directed to allow, for wastage on rum, brandy, wines, and other liquors imported in casks, and on sugars and molasses, at and after such ratio or rate as he shall think reasonable, not exceeding one eighth part of the guage, measurement or weight of such goods at the port or place from whence they are imported; and if any goods, wares or merchandise should receive any damage on the passage, such damage shall be allowed for, in the settlement of the duties, or if the full duties shall have been paid, a due proportion thereof shall be returned: Provided always, That the damages so to be allowed for, amount to five per centum, on the original cost or value of the goods contained in any cask or package, on which such allowance shall be claimed; And provided also, That such damages shall be ascertained and certified in writing by the wardens or surveyors of the port, or any two of them with as much precision as may be, and reported to the collector or deputy collector, in order, that he may, if he shall think

proper, view such damaged goods in the state in which they arrived.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act every merchant, factor, agent or other person who shall make entry of any goods, wares or merchandise, whereon the duties shall not exceed the sum of three pounds, shall forthwith pay such duties before a permit shall be granted for landing such goods, and when the duties arising on any such entry shall exceed the sum of three pounds, the same shall be paid, or at the option of the party making or causing such entry to be made, secured by the bond of such party, payable in three months from the date thereof; Provided, that if such party be a stranger, non-resident or otherwise of doubtful character, additional security shall be required by the collector in every such case.

[Section VIII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That every such bond so taken for the payment of duties as aforesaid shall at and from the time of executing the same have and take the like effect with a judgment entered in a court of record, and execution levied by the sheriff, so far as relates to the binding of the goods and chattels, lands and tenements of the obligor or obligors in any such bond.

[Section IX.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the collector of the port of Philadelphia or deputy collector of an inland district, when and so often as any such bond shall become due, shall demand payment thereof, or prosecute an action or actions for the money due thereon; and if the collector shall neglect or delay to put any such bond in suit more than ten days after the same shall have become due, he shall in every such case be deemed to have the money due thereon in his possession, and account for the same accordingly as if acutally by him received.

[Section X.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That henceforth no drawback or return of duties shall be allowed or paid by the collector on any goods, wares or merchandise exported, unless report and entry thereof in writing be made to the collector or his deputy before

the same be shipped, in which entry shall be specified the package or packages, their marks, numbers and contents, the name of the vessel in which they were imported, and the time of such importation, also the name of the vessel and master by which they are to be exported, and the port or place of destination, and the collector having satisfactorily examined such entry and compared it with the inward entry or entries of such goods, shall administer an oath or affirmation to the party or parties making the entry for exportation, and cause him or them to subscribe the same, to the effect following, viz: "That the goods, wares and merchandise mentioned and contained in the said entry are, in quantity, quality and value the same as they are therein declared to be, according to the inward entry thereof, that the same have not been diminished (except common wastage) since such importation, and that the whole of the said goods so contained in the entry then made are bona fide to be exported according to the tenor of the same entry, without any intention of being returned into this state or otherwise evading the duties," which entry shall be examined, registered and certified by the naval officer in like manner as is herein before directed for inward entries.

[Section XI.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the powers and authorities of the collector and naval officer respecting goods entered for exportation shall be to all intents and purposes the same as directed by this or any former law, respecting goods, wares and merchandise entered inwards and on suspicion of fraud, the collector or naval officer shall proceed in like manner, to take into custody, examine and seize goods, wares and merchandise, and in case such fraud shall appear, such goods, wares and merchandise entered for exportation, on which a drawback or return of the duties shall have been obtained or allowed, shall be subject to the like forfeitures, and to be disposed of in like manner and for the like uses as are herein before directed respecting goods, wares and merchandise entered inwards. And that in all cases of trial, on any seizure made by the collector, deputy collector or naval officer as herein before mentioned, the burden of the proof shall lie on the claimant.

[Section XII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the books of registry so as aforesaid to be kept by the naval officer, for registering of all entries made at the collector's office of goods, wares and merchandise imported and exported, and the manifests lodged and filed in the naval office by the masters of vessels, or fair transcripts thereof, shall from time to time, as shall be required by the comptroller-general of this state, be lodged in the office of the comptroller-general by the said naval officer, as checks for the examination and settlement of the accounts of the collector.

[Section XIII.] (Section XVI, P. L.) And be it enacted by the authority aforesaid, That for the services herein required of the naval officer, he shall have and receive from the collector of the port of Philadelphia, six pence for every entry he shall examine, register and certify as aforesaid; which sum of six pence for every such entry the said collector is hereby required and enjoined to pay from and out of the fees he is entitled to receive for granting permits.

[Section XIV.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the naval officer and deputy naval officer for the time being shall before they enter upon the duties required by this act respectively take and subscribe an oath or affirmation before the president or one of the members of the supreme executive council or one of the justices of the supreme court, that he will faithfully and impartially execute the duties required of him by law as naval officer (or deputy naval officer or deputy collector, or clerk, as the case may be) according to the best of his skill and understanding, which oath or affirmation shall be filed in the office of the secretary of the supreme executive council.

[Section XV.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That if any person employed in the custom house or the naval office, or in anywise concerned in the entrance or clearance of vessels and goods, shall demand or receive any greater fee or sum of money for his service therein than by law shall be due and allowed, every collector or naval officer so offending shall forfeit and pay the sum of one thousand pounds, and every deputy or clerk so offending, shall forfeit

and pay the sum of one hundred pounds, and every such offender shall moreover pay double costs of prosecution and be forever after incapable of holding any post or place of trust or profit in this commonwealth; every of which forfeitures shall be to the use of the state.

(Section XIX, P. L.) And in order to give as little trouble and delay as may be to the merchants, masters of vessels and others concerned in trade:

[Section XVI.] Be it further enacted by the authority aforesaid, That the several offices of the collector of customs, naval officer, collector of tonnage and wardens of the port, shall henceforth be held and kept in one house or building in some convenient and central situation near the river. And the supreme executive council are hereby authorized to appoint any of the said officers, or such other person as they shall think proper to contract and agree for such suitable house or building on rent. And to order the said rent to be paid, one third thereof by the collector of tonnage, to be allowed in the settlement of his accounts, and the other two thirds by the collector of imports, and the naval officer in proportion to the net profits of their respective offices, or as they shall agree, without expense to the public: Provided that such rent shall not exceed the sum of two hundred pounds per annum.

(Section XX, P. L.) And whereas by an act passed the twenty-fifth day of September, one thousand seven hundred and eighty-three, entitled "A supplement to an act, entitled an act for an impost on goods, wares and merchandise imported into this state,"<sup>1</sup> it was provided, that all goods, wares and merchandise imported or brought into this state by land, should be subject to, and pay a like duty with those landed at the port of Philadelphia, and which duties, except upon goods entered at the said port of Philadelphia, should be collected by deputy naval officers in other parts of the state, or by justices of the peace:

And whereas it is expedient, that farther regulations should be made therein:

[Section XVII.] (Section XXI, P. L.) Be it further enacted by the authority aforesaid, That all persons (other than the

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<sup>1</sup> Chapter 1051.

naval officer, and collector of the port of Philadelphia) who have by virtue of the said act received any duties on goods, wares or merchandise imported into this state, be required, and they are hereby required within one month after the passing of this act, to render their accounts thereof to the comptroller-general for settlement, and to pay the balances due on such accounts to the treasurer of this state, after deducting thereout such commissions as are by law allowed to the collector or naval officer for such moneys, so received and paid.

[Section XVIII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the supreme executive council shall and may nominate and appoint such and so many proper and fit persons, not exceeding the number of counties in the state, as they shall think necessary from time to time to collect and receive the imposts and duties imposed by law on goods, wares and merchandise which may be imported into this state, and not entered in the port of Philadelphia, which persons so appointed shall be styled deputy collectors of customs, and shall each have a separate district, assigned to him by council, within which district respectively, they shall be and they are hereby vested with all the powers and authorities, and subject to the same penalties and regulations directed by this act, and the acts to which this is a supplement, respecting deputy naval officers and justices of the peace authorized to collect and receive the duties on goods imported into this state by land.

[Section XIX.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That the collector of the port of Philadelphia shall give bond with four or more sufficient sureties in the sum of forty thousand pounds, conditioned for the due execution of his said office, and faithfully accounting for and paying into the treasury such revenues and sums of money as he shall from time to time receive by virtue of his said office, and every deputy collector shall in like manner give bond with sufficient surety in the sum of five hundred pounds with like condition as aforesaid.

[Section XX.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That so much of the said act, entitled "An act for an impost on goods, wares and merchandise

imported,"<sup>2</sup> herein before recited, and the supplement to the same, passed the twenty-fifth day of September, one thousand seven hundred and eighty-three, and of the act, entitled "An act for raising a further impost or duty on all goods, wares or merchandise imported into this state,"<sup>2</sup> as are altered or supplied by this act, be and the same are hereby severally so far repealed and made void.

Passed April 2, 1785. Recorded L. B. No. 2, p. 496, etc. See the Act of Assembly passed March 15, 1787, Chapter 1276.

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## CHAPTER MCLVIII.

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AN ACT TO DECLARE AND ESTABLISH THE RIGHT OF THE EXECUTIVE COUNCIL OF THIS COMMONWEALTH TO APPOINT ALL OFFICERS, CIVIL AND MILITARY, EXCEPT IN CASES RESERVED BY THE CONSTITUTION TO THE GENERAL ASSEMBLY, AND TO THE PEOPLE; AND TO REPEAL THE LAWS WHEREBY CERTAIN OFFICERS HAVE BEEN APPOINTED CONTRARY THERETO, AND TO SECURE THE INDEPENDENCY OF THE COMPTROLLER-GENERAL BY A COMMISSION FOR SEVEN YEARS AND A PERMANENT SALARY, UPON CONDITION OF HIS GOOD BEHAVIOR ONLY.

(Section I, P. L.) Whereas by the constitution of this commonwealth it is directed and established, that the president, and in his absence the vice-president with the executive council, shall have power to appoint and commissionate, judges, naval officers, judge of the admiralty, attorney-general, and all other officers, civil and military, and that the said appointments, severally should be made agreeably to the frame of government, and the laws which should be thereafter made, saving and excepting such officers, as the constitution reserves to the choice of the general assembly, or the people:

And whereas the due and orderly distribution and exercise of the powers of government, as the same have been devolved by the people to their trustees in the legislative, executive and

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<sup>1</sup> Passed December 23, 1780, Chapter 925.

<sup>2</sup> Passed March 15, 1784, Chapter 1076.

judicial departments of the state, is of great importance to the liberty and happiness of the community, and every encroachment made by any of these departments on the rights and privileges of the other, has a manifest tendency to disorder and anarchy on the one hand, or to dangerous accumulations of power on the other:

And whereas the council of censors have declared it to be their opinion, that the appointment of revenue, and all other officers not expressly assigned to the house of assembly or to the people by the constitution, which has been exercised by the general assembly, is a deviation from the constitution:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the choice of the speaker of the house, clerks and other officers and servants of the same, proper and befitting to the general assembly as a legislative body, the delegates to represent this state in congress, the treasurers of the state, registers of wills and for granting letters of administration, and the recorders of deeds, trustees of the loan office and a concurrence of votes, with the members of the supreme executive council, in the election of president and vice-president of council, as mentioned in the constitution of this state, are and shall be carefully reserved to the general assembly for the time being, and that all other officers necessary to the execution of the laws of this commonwealth (such as are specially reserved to the choice of the people, or plainly directed by the constitution, to be otherwise chosen and appointed, only excepted) shall be deemed and taken to be and the same are accordingly by this act, declared to be in the nomination and appointment of the executive council, subject however to the times, and manner of holding the same, which the constitution and laws do or shall prescribe.

(Section III, P. L.) And whereas divers officers of this commonwealth do hold their respective offices by having their names inserted in the body of the acts of assembly, whereby the same officers have been constituted, or by virtue of other

acts of assembly concerning the same, and the said acts have been enacted in derogation of the rights of the executive council, and the manner in which the said persons do hold their said offices is deemed improper:

[Section II.] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That the act of assembly, entitled "An act for methodizing the department of accounts of this commonwealth, and for the more effectual settlement of the same,"<sup>1</sup> enacted on the thirteenth day of April, one thousand seven hundred and eighty-two, so far as the same act appoints John Nicholson to that office and so far as the same act limits the salary of the comptroller-general of this commonwealth to the sum of five hundred pounds per annum, and that the act of assembly, entitled "An act to revive and continue in force the acts of assembly regulating sales by auction, and for other purposes therein mentioned,"<sup>2</sup> enacted on the ninth day of December, one thousand seven hundred and eighty-three, so far as it authorized the then house of assembly to appoint the several auctioneers of the city of Philadelphia and of the Northern Liberties of the said city and of the district of Southwark in the county of Philadelphia; and that the act of assembly, entitled "An act for the further regulation of the port of Philadelphia, and enlarging the power of the wardens thereof,"<sup>3</sup> so far as the same act nominates and appoints Francis Gurney, John Donaldson, Samuel Caldwell, Thomas Prior, George Ord, Nathaniel Falconer and John Hazelwood, wardens of the said port, and Jacob S. Howell, to be collector of the duties and sums of money which may be due and payable for the tonnage on all ships and vessels which may be chargeable therewith; and that the act of assembly, entitled "An act for raising a further impost or duty on all goods, wares and merchandise, imported into this state,"<sup>4</sup> enacted on the fifteenth day of March, one thousand seven hundred and eighty-four, so far as the same act appointed Charp Delaney, esquire, collector of the same impost or duty, and all

<sup>1</sup> Passed April 13, 1782, Chapter 970.

<sup>2</sup> Passed December 9, 1783, Chapter 1063.

<sup>3</sup> Passed April 1, 1784, Chapter 1095.

<sup>4</sup> Passed March 15, 1784, Chapter 1076.

other acts of assembly which derogate from the rights and privileges of the supreme executive council, declared as aforesaid in nominating and appointing to offices, as far as they derogate therefrom, and no further, shall be, and the same are hereby repealed, annulled and made void.

(Section V, P. L.) And whereas it is highly proper that the office of comptroller-general should be rendered so far independent as to enable the person holding the same to execute his trust and duties with vigor and integrity:

[Section III.] (Section IV, P. L.) [sic] Be it therefore enacted by the authority aforesaid, That the comptroller-general of this state shall hereafter be commissioned by the executive council for and during the term of seven years, upon condition that he behave himself well in his said office and that the salary of the said comptroller-general shall be eight hundred pounds per annum, and that he be further allowed a sum not exceeding two hundred pounds per annum for the hire of a clerk or clerks, payable to him quarterly in equal proportions, by orders drawn by the president or vice-president in council, on the treasure of this state, out of any of the unappropriated money of this commonwealth.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the president or vice-president and the supreme executive council be and they are hereby authorized and empowered to proceed as soon as may be to appoint and commissionate all and every such public officer and officers as may be necessary to fill the offices deemed to be vacated by this act, as they may or ought to appoint and commissionate by virtue of the constitution of this commonwealth, or of this act, any law, usage or custom to the contrary notwithstanding.

[Section V.] (Section VIII, P. L.) Provided always and it is hereby further enacted and declared, that the several officers whose appointments depend on any act or acts herein declared to be repealed, either in the whole or in part, or whose appointment may respectively be vacated, or in anywise altered or affected, by virtue of this act, shall nevertheless continue to exercise their said offices respectively in such manner, and with such powers, as they severally would or might have done if

this act had not been made, until such appointments as aforesaid shall respectively take place: Provided nevertheless, That such appointments be made within two months from and after the passing of this act.

Passed April 4, 1785. Recorded L. B. No. 2, p. 512.

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## CHAPTER MCLIX.

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### AN ACT FOR ERECTING AND OPENING A LOAN OFFICE FOR THE SUM OF FIFTY THOUSAND POUNDS.

(Section I, P. L.) Whereas the inhabitants of this commonwealth have for a considerable time, labored, and yet do labor under great difficulties for want of a sufficient circulating medium of commerce, whereby agriculture, population and improvement are much obstructed, and many people [are] reduced to great distress:

(Section II, P. L.) And whereas by the happy termination of the late war the people of this state are in quiet possession of very extensive and valuable tracts of land, which require cultivation and improvement; and it is conceived that the institution of a loan office upon just and proper principles would greatly tend to promote and establish the interests of internal commerce, agriculture and mechanic arts, and the welfare of the people in general, within this state:

(Section III, P. L.) And whereas the sum of fifty thousand pounds of the bills of credit directed to be made and prepared by an act, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this state;"<sup>1</sup> are by the said act set apart, and appropriated for the purpose of erecting and establishing a loan office as the legislature should thereafter direct:

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<sup>1</sup> Passed March 16, 1785, Chapter 1137.

Therefore,

[Section IV, P. L.] Be it enacted and it is hereby enacted by the Representatives of the Freeman of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said sum of fifty thousand pounds shall be paid into the hands of the commissioners of the loan-office herein after mentioned, at such times and in such quantities as the president or vice-president by warrant under his hand in council shall from time to time direct, which warrants, respectively, shall be registered in the comptroller-general's office, and the said commissioners of the loan-office shall thereupon become chargeable with and answerable for the sums mentioned in the said warrants, respectively, to be appropriated and accounted for as herein after is directed.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That Joseph Dean, George Schlosser and Robert Smith, esquires, be and they are hereby appointed trustees of the general loan-office of the state of Pennsylvania, and that they, the said trustees, and their successors, and every of them, before they shall enter upon the execution of their trust or any part thereof shall give and duly execute a bond to the president of the supreme executive council of this state for the time being, and his successors, with three sufficient sureties such as he shall approve of, in the sum of three thousand pounds, conditioned for the faithful execution of the trust and performance of all and every the acts, matters and things, enjoined and required of them by this act, and shall also take an oath or affirmation before some justice of the peace to be indorsed on the said bond, in the words following, viz:

"I, A. B. will, to the best of my skill and knowledge, faithfully, impartially and truly, perform and discharge the trust required of me by an act of general assembly of this commonwealth, entitled "An act for erecting and opening a loan office for the sum of fifty thousand pounds," that none may be prejudiced by my consent, privity, or procurement, and that I will not lend out for, or apply or appropriate to my own private use or benefit, or the use or benefit of any other person or per-

sons whatsoever any of the moneys to me entrusted, otherwise than according to the directions, true intent, and meaning of the said act."

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said oath or affirmation so to be taken by the said trustees shall be indorsed on their respective bonds, which bonds with the indorsements aforesaid, shall be delivered to the recorder of deeds for the county of Philadelphia, to be by him recorded, and in case the said bonds or any of them shall in anywise be forfeited, the same shall be sued and prosecuted and the penalties thereof recovered for the benefit, advantage and use of the state.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall be one body politic and corporate in law, and by the name of "The trustees of the general loan office of the commonwealth of Pennsylvania," are hereby authorized and empowered to receive applications from borrowers, judge of and determine the value of the lands and tenements, rents and hereditaments, offered in mortgage, and the validity of their titles, to take and receive mortgages, give receipts for money received, take, hold and enjoy, to them and their successors in their said trust, all such lands, tenements, rents and hereditaments, as shall be granted them in mortgage; sell and dispose of estates forfeited, to sue, be sued, and defend any suit or suits brought against them, and generally, to do, perform and execute all and every act, matter and thing, necessary for the just and due performance and execution of the trust reposed in them by virtue of this act.

[Section V.] (Section VIII, P. L.) Provided always nevertheless and be it enacted by the authority aforesaid, That it shall not be lawful to and for the said trustees or any of them, to emit on loan any of the said bills of credit on any land security, which shall lie in any of the counties (other than such counties where any of the said trustees shall reside) before a certificate, under the hands of the commissioners of the county, or any two of them, where such landed security is situate, certifying the value thereof, shall be produced to them, which said certificate the said commissioners, on application to them made, shall

make out and deliver to the person applying, but before the said commissioners shall grant such certificate, they, and each of them, shall, before some justice of the peace of their county, take an oath or affirmation, "That they will certify under their hands the value of all such lands and other hereditaments, particularly setting forth the persons names whose lands bounds the same, to the best of their knowledge, within the said county (having regard to the last assessment thereof) as they shall be requested, to certify by any person or persons intending to mortgage, as directed by this act," which certificates they shall deliver to the person applying, to be by him produced to the trustees of the general loan office, which said qualification shall be certified and deposited by the said justice, with the clerks of the county court of quarter sessions for the county for which such commissioners are chosen, to be by him filed and preserved, and that the said commissioners shall have and be paid, out of the interest arising on the loans made in pursuance of this act, the sum of three shillings and nine pence for each certificate, and no more, and that the said certificates shall be duly filed and preserved by the said trustees, for the inspection of the assembly and their committees.

[Section VI.] (Section IX, P. L.) Provided also and be it enacted by the authority aforesaid, That none of the trustees herein before appointed, or hereafter to be appointed, according to the direction of this act, or any of them, or any of their heirs, executors or administrators, or securities hereby directed to be given, be acquitted or discharged for anything done, or suffered, in or about the trust hereby committed to them, until they have accounted for, and paid and delivered up to the succeeding trustees, all bills of credit, moneys, securities, books of accounts, and other writings, relating or belonging to the said loan-office, and so from time to time during the continuance of this act, anything herein before contained to the contrary notwithstanding.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the trustees shall lend out of the aforesaid sum of fifty thousand pounds, in the proportions herein after mentioned, for and during the space, and up to the

full end and term of eight years, from the first day of August in the year of our Lord one thousand seven hundred and eighty-five, all which loans, made by virtue of this act, shall be in sums not exceeding one hundred pounds, nor less than twenty-five pounds, to any one person, upon mortgages of messuages, lands, tenements, rents and hereditaments, in this state, whereof the borrower stands seized in fee-simple, in his or her own right, free from incumbrances, rent-charges, becoming due thereon, and discovered to the said trustees, only excepted; and that the said trustees shall inform themselves, the best they can, of the validity of the titles, and of the clear value of all messuages, lands and ground rents, offered in security, so as to be satisfied that the lands and ground rents are held in fee-simple, and are at least of the value of the sums requested to be lent; and that as to the messuages erected upon ground subject to the payment of ground rent, offered in mortgage, care shall be taken by the said trustees that there be no rent in arrear at the time of receiving the same in mortgage, and that the ground shall be near equal in value, above the ground rent, to the sum lent, yet so that the house and ground be of three times the value thereof, for the better security of the mortgage money: And thereupon, the said trustees, in pursuance of the trust hereby committed to them, shall, in the name and style of "The trustees of the general loan office of the commonwealth of Pennsylvania," and not otherwise, take and receive deeds of mortgage in fee-simple, of such messuages, lands, tenements, rents and hereditaments, with the appurtenances, to secure the repayment of sums they lent, to be [made] yearly, on the first day of November, by equal payments with the whole interest accrued, at the rate of six per centum per annum.

[Section VIII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said sum of fifty thousand pounds shall be emitted on loan by the trustees aforesaid, in the manner herein before directed, to the inhabitants of the several and respective counties within this state, in the following proportions, viz:

Eight thousand pounds to the inhabitants of the city and county of Philadelphia.

Three thousand three hundred pounds to the inhabitants of the county of Bucks.

Five thousand eight hundred pounds to the inhabitants of the county of Chester.

Six thousand five hundred pounds to the inhabitants of the counties of Lancaster and Dauphin.

Four thousand eight hundred pounds to the inhabitants of the county of York.

Three thousand pounds to the inhabitants of the county of Cumberland.

Two thousand six hundred pounds to the inhabitants of the county of Northampton.

Three thousand six hundred pounds to the inhabitants of the county of Berks.

One thousand nine hundred pounds to the inhabitants of the county of Bedford.

One thousand eight hundred pounds to the inhabitants of the county of Northumberland.

One thousand two hundred and seventy pounds to the inhabitants of the county of Westmoreland.

Two thousand one hundred pounds to the inhabitants of the county of Washington.

One thousand three hundred and thirty pounds to the inhabitants of the county of Fayette.

Two thousand pounds to the inhabitants of the county of Franklin.

Two thousand pounds to the inhabitants of the county of Montgomery.

(Section XII, P. L.) Provided always, That if there shall not within the space of six months next after the first opening of the loan office by virtue of this act be applications for the said respective proportions of money from the inhabitants of the counties respectively, then and in such cases it shall and may be lawful for the said trustees to lend out the surplus thereof to such person or persons as shall apply for the same in the manner and on the sureties aforesaid.

(Section XIII, P. L.) Provided also, That if any mortgagor of any messuages, lands or rents, mortgaged in pursuance of

this act, his heirs, executors, administrators or assigns, shall be inclined to pay off and discharge his mortgage and security, at any other time, than according to the time specified in his mortgage-deed, it shall be lawful for him or them so to do, by paying down the whole principal sums due, and to become due, together with the interest and charges then accrued, on the first day of November in any years, during the continuance of this Act.

[Section IX.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the principal sums, and all and singular the parts, parcels and quotas thereof, or any of them, payable to the Trustees of the said General Loan Office, by any mortgagor or person whatsoever, shall not be paid into the Treasury of this state at any other time than by this present Act is directed, limited and appointed, any law, custom or usage to the contrary notwithstanding, but the same principal sums hereafter to be recovered or received by the said Trustees on or before the first day of November in the year of our Lord One thousand seven hundred and eighty-nine shall be, from time to time again lent out on securities, as hereinbefore directed for the residue of the aforesaid term of eight years; and also so often as any mortgage moneys, directed to be again lent out as aforesaid shall be recovered or received before the aforesaid first day of November One thousand seven hundred and eighty-nine, the principal moneys thence arising shall in like manner from time to time be lent out again on the like securities as aforesaid; and the said Trustees, or some of them, shall weekly attend at their office in Philadelphia on Tuesdays and Wednesdays until the aforesaid sum of fifty thousand pounds of the said bills of credit, hereby directed to be appropriated as aforesaid shall be wholly lent out as this act directs, and afterwards on the second Tuesday in October, December, February, April, June and August, and every year during the continuance of this act and at such other times as their duty and trust shall require.

[Section X.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That all and every of the said deeds of mortgage shall be fairly entered in books of large paper, to be provided by the said trustees, attested copies of which deeds,

so entered and certified by the said trustees, or any of them, for the time being, shall be, and are hereby declared to be good evidence to prove the mortgages thereby mentioned to be made, and every of the aforesaid deeds of mortgage shall be indorsed or added an oath or affirmation, to be taken by the mortgageor or mortgagors, before some one of the said trustees, or some justice of the peace, who are hereby empowered and required to administer the same, "That he, she or they, is or are seized of the hereditaments and premises thereby granted, in his, her or their own right, and to his her or their own use, and that free from all arrearages of rent, and from any former gift, grant, sale, mortgage, judgment or any other encumbrance, to the knowledge of such mortgagor or mortgagors, except only such as are by him, her or them, particularly mentioned and discovered to the trustees;" And the aforesaid deeds, being so executed and acknowledged, shall transfer the possession, and vest the inheritance, of and in such mortgaged premises, to and in the said trustees, and their successors, as fully and effectually as deeds of feoffment, with livery and seizin, or deeds enrolled in any of the courts of this state, may or can do; in all which deeds, the words grant, bargain and sell, shall be adjudged, in all places and courts whatsoever within this state, to have the force and effect of a covenant, that the mortgageor, notwithstanding any act done by him, was, at the time of execution of such deed, seized of the hereditaments and premises thereby granted, of an indefeasible estate of inheritance free from encumbrances, the rents, so as aforesaid discovered or to be discovered to the said trustees, only excepted.

Section XI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That together with every of the aforesaid mortgage deeds, the respective mortgagor shall execute a bond of double the mortgage money to the trustees aforesaid, conditioned for the payment of the money borrowed, with interest, according to the proviso or condition contained in each such mortgage deed, and also a warrant of attorney, empowering such person or persons as the said trustees shall appoint to confess or suffer judgment, which the said trustees are hereby required to cause their attorney to enter, in any of the courts of

common pleas of this state, against such mortgagor as shall make default in payment of the mortgage moneys, or any part thereof, on the said bonds or mortgages, for non-performance of the conditions thereof, or in such actions of debt as the said trustees are required to bring for the value of the said bills of credit or moneys received by the mortgagors, whose titles shall happen to prove defective, together with the interest and costs of suits, in every which warrant of attorney, shall be inserted a release of errors by the mortgagor.

(Section XVII, P. L.) Provided [always] nevertheless, That until some default be made in payment of some part of the mortgage moneys, by the mortgagors respectively, it shall and may be lawful to and for them, and their heirs, to hold and enjoy the mortgaged premises, anything in this act, or in the mortgage deeds, to the contrary notwithstanding, but if default shall be made or suffered in payment of any part of the mortgage moneys aforesaid, whether of the principal or interest, which the mortgagors, their heirrs, executors, administrators or assigns should or ought to pay according to the days of payment aforesaid, in their respective deeds of mortgage specified, the said trustees, after six months next following such default made as aforesaid, shall issue their precept to the sheriff of the county where the mortgaged premises shall lie, commanding him to enter upon the messuages, lands, rents and hereditaments, respectively, in the deeds of mortgage specified, and the same, or such part thereof as shall be sufficient to discharge and satisfy the mortgage moneys, with the interest thereof, and costs accruing on the sale, to sell on the premises, by public auction or vendue, and convey to the highest bidder, after at least thirty days' public notice given of such sale, by advertising them in the newspapers, and by affixing advertisements in some of the most public places in the county; and out of the moneys arising by such sale, to raise the principal sums due and to become due, with the interests, costs and charges accrued, returning the overplus, if any, to the owners of such lands and hereditaments, and also to pay and deliver the said principal sums and interest, to the said trustees, for the use of the state, which said precept the said sheriff is hereby enjoined and required fully and im-

partially to execute, for which he shall have the same fees for advertising and sale, as are allowed by law for like services where lands are sold by [a writ of] venditioni exponas, and no more.

[Section XII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the mortgagor and mortgagors of all such lands, as shall be sold by virtue of this act, shall stand and be foreclosed of and from all right of redemption of the same.

[Section XIII.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall indorse upon each mortgage deed, their receipts of all their yearly quotas, paid by the respective mortgagors, distinguishing the principal sum from the interest, which they shall also note on the counter parts to them produced, when required; and upon the last payment thereof, the said trustees shall enter in the margin of the enrolment of the mortgage deed, the time of the discharge thereof, for which they shall receive of the mortgagor one shilling, and no more: And the said trustees shall keep distinct, fair and true accounts of all the sums they receive by virtue of this act, and of what they lend, emit or pay, by virtue hereof, or by the orders of the assembly, in regular day-books, journals and ledgers, to be fairly kept for those purposes, and shall exhibit the same, together with their other vouchers, to the committees of assembly appointed for settling the public accounts, who shall settle and adjust the said accounts, and report the same to the house.

[Section XIV.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall have and receive, for the services enjoined and required of them by this act, the sum of four hundred and fifty pounds per annum, during the continuance of their re-emitting on mortgage as aforesaid, and the sum of one hundred and fifty pounds per annum, during the further continuance of this act, and no more, out of the interest money which shall come to their hands by virtue of this act.

[Section XV.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That if it shall appear on the set-

tlement of the accounts of the said trustees by the said committees, and a confirmation thereof by the house of assembly, that any deficiency hath happened by any borrower or mortgagor not having right to the lands or tenements mortgaged, or in the value thereof, or by any other ways or means whatsoever, to pay the moneys and the interest accrued thereon, with the cost of such suits as shall be prosecuted for the same, then, and in every such case, the said trustees, having an order from the assembly for that purpose, shall draw an order on the treasurer of the county in which such deficiencies shall happen, for the payment of such deficiencies, if so much money shall be then in the treasury, and if not, the said trustees shall and they are hereby authorized and empowered to issue their precept to the commissioners and assessors of the said county, enjoining them to cause the said deficiencies so happening, with such costs and charges as shall accrue and be paid by the said trustees in endeavoring to recover the same, forthwith to be assessed, raised and levied, of and upon the county, in the same manner, by the same persons, and under the same pains, penalties and forfeitures, as other county rates are by law directed to be assessed, raised and levied, which the said commissioners and assessors are hereby enjoined and required to do, and the said deficiencies, when so levied, shall be paid to the said trustees, in order to replace the moneys so deficient.

[Section XVI.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That if the said commissioners and assessors shall, upon receipt of such precept, refuse or neglect, with all convenient speed, to cause to be assessed, raised and levied, all such deficiencies as are mentioned in the said precept in the manner herein before directed, every such commissioner and assessor so refusing or neglecting being thereof legally convicted, shall forfeit the sum of one hundred pounds for every such refusal or neglect.

[Section XVII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall once in every year, or oftener exhibit their accounts aforesaid and produce their said books and other vouchers, together with all moneys remaining in their hands, unto the committees of

assembly of this state appointed for that purpose, who shall count the said money and settle and adjust the said accounts, and make report thereof to the assembly; and all the interest money by the said trustees from time to time received, being accounted for and the salary and charges allowed by this act deducted, the residue thereof shall be paid by the said trustees to the state treasurer, to be disposed of as the general assembly of this commonwealth shall direct, and the said treasurer shall have and receive, for his trouble in receiving and paying the same, ten shillings for every hundred pounds, and no more.

(Section XXIV, P. L.) And the better to prevent inconveniences arising from indulging the mortgagors to be behind in their payments hereby directed to be made:

[Section XVIII.] Be it further enacted by the authority aforesaid, That the trustees for the time being, shall, and they are hereby required to keep the mortgagors aforesaid up to their annual payments as by this act is directed and appointed, and the committees of assembly to be annually appointed to audit the said trustees' accounts, are hereby directed not to allow of any quotas in arrear and unpaid, which have been due twelve months at the time of settlement, but to consider and report the same as moneys in the hands of the said trustees for which the said trustees shall be accountable, excepting only such sums, for which the trustees have commenced suits, or otherwise have proceeded, according to the direction of this act, for the recovery of the money due.

[Section XIX.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That if any of the said trustees herein before appointed, or hereafter to be appointed by virtue of this act, shall neglect or refuse to act as trustee, or shall happen to die, or be removed for misfeasance in his office, some other fit person shall be appointed by the general assembly of this state in the place or places of such trustee or trustees unless such neglect, refusal, death or removal shall happen during the recess of assembly, in which case and not otherwise, some other fit person or persons shall be appointed by the supreme executive council of this state, and the said trustee or trustees, so to be appointed, shall have, hold and exercise the

same powers and authorities to all intents and purposes as if he or they were appointed by this act.

(Section XXVI, P. L.) Provided always, That none of the said trustees, appointed in and by virtue of this act shall continue in the exercise of their said offices longer than the space of three years from the time of the commencement of their said trust, and from thence until a new nomination and appointment of the same or other trustees shall be made by the general assembly, anything in this act to the contrary notwithstanding.

[Section XX.] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That the said trustee shall, for the better regulating of their said office, choose and employ a fit and able person for their clerk, during their pleasure, for whom they shall be answerable, who shall prepare the deeds of mortgage, with the mortgageors' affidavits, bonds, warrants of attorney, and releases of errors, and shall have and receive the following fees, and no more, viz: For every mortgage deed, recording the same, the counterpart or copy thereof, the mortgagor's oath or affirmation indorsed on the mortgage deed, and the bond warrant of attorney and release of errors, the sum of twenty shillings, and no more, to be paid by the said mortgagor, and the said clerk shall keep true accounts of the names of all persons applying to borrow on securities, as this act directs, and shall record their deeds of mortgage, in the same order of time as they were executed, and shall once in each year, make out a list of the names of all mortgagors, with the sums they borrow, and date of their mortgage deeds, and the same lists shall transmit or deliver to the committees of assembly to be appointed to settle the said trustees accounts, but before any person so chosen to be clerk, shall enter upon the execution of his office, he shall take an oath or affirmation before some justice of the peace, "That he will truly and faithfully perform the office and duty directed and required of him by this act, [wherein he will give] no undue preference or unnecessary delays, or be guilty of any fraudulent practice."

Passed April 4, 1785. Recorded L. B. No. 2, p. 503. See the Acts of Assembly passed September 10, 1755, Chapter 1174; November 27, 1787, Chapter 1328; April 1, 1790, Chapter 1506; April 7, 1791, Chapter 1554.

CHAPTER MCLX.

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AN ACT TO ENLARGE THE SUMMARY JURISDICTION OF THE JUSTICES OF THE PEACE IN ACTIONS OF DEBT OR DEMAND, TO SUMS NOT EXCEEDING TEN POUNDS, AND TO REPEAL AN ACT, ENTITLED "A SUPPLEMENT TO AN ACT FOR THE MORE EASY AND SPEEDY RECOVERY OF SMALL DEBTS."<sup>1</sup>

(Section I, P. L.) Whereas it is manifest from the gradual rise in the prices of most of the necessaries of life and of the wages of laborers, that the value of money hath greatly lessened since the passing of the act of general assembly, entitled "An act for the more easy and speedy recovery of small debts,"<sup>2</sup> which was enacted on the first day of March, in the year of our Lord one thousand seven hundred forty and five, and it being reasonable, and will greatly relieve the poor debtors within this state, and their creditors, from the costs accruing upon suits in the courts of law, and from the great delays, which attend the same, if the summary powers vested in the justices of the peace of the counties of this state, severally, in and by the act last aforesaid, were under similar exceptions and regulations, as are contained in the same act, extending to actions of debt and other demand, not exceeding ten pounds;

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the first day of May next, the jurisdiction, authority and powers of the justices of the peace of the counties within this state, which is vested in them, severally, in and by the act last aforesaid, to hear and determine actions of debt and demand, not exceeding five pounds (either by themselves, or by referees or auditors) shall be and the same [hereby] are extended to actions of debt and

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<sup>1</sup> Passed September 23, 1784, Chapter 1116.

<sup>2</sup> Passed March 1, 1745, Chapter 365.

other demand not exceeding ten pounds, subject to like appeals to the courts of common pleas of the proper county, and to like relief to insolvent debtors, and under every other regulation, restriction and exception, in the same act contained, as to cost of suit, and otherwise, as if the said act for the more easy and speedy recovery of small debts, were herein recapitulated and re-enacted, other than the limitation thereof to debts and demands not exceeding five pounds; and no person, nor persons, who shall after the said first day of May next, bring any suit or action in other manner than is provided in and by this act, in cases cognizable under this act, and who shall not recover ten pounds and more, in such suit or action, shall not have judgment for any costs therein expended, except, as in and by the act last recited, is excepted.

(Section III, P. L.) That in all cases of debt or demand which shall be recovered in pursuance of this act, execution shall be stayed for the space of six months from the date of each judgment, respectively, in case special bail be entered for the same, in the manner directed in and by the act last aforesaid.

(Section IV, P. L.) And whereas the act, entitled "A supplement to an act, entitled 'An act for the more easy and speedy recovery of small debts,'" <sup>2</sup> in not allowing trial by jury in suits or actions for debts, and other demands cognizable under the same by one justice of the peace, is contrary to the spirit of the constitution of this state, and the same act is greatly defective in other respects and it is preferable to supply the defects aforesaid by a new law than to amend the said act.

[Section II.] (Section V, P. L.) Be it therefore enacted by the authority aforesaid, That the same act and everything therein contained, shall, from and after the first day of May next, stand repealed, and be null and void; and that in the mean time the benefit of appeal to the courts of common pleas of the county, and relief to insolvent debtors, shall be granted, under the same act to every person, who shall apply for the same, in similar cases, upon like terms, as is granted by and under the act aforesaid, entitled "An act for the more easy and speedy recovery of small debts,"

(Section VI, P. L.) And [d] whereas, notwithstanding the appeal, reserved as aforesaid, by the act, entitled "An act for the more easy and speedy recovery of small debts,"<sup>1</sup> to the court of common pleas of the proper county, whereby the party dissatisfied with the judgment of any justice of the peace may have his cause reheard by a jury, some of the justices of the peace of this state have doubted of his or their authority to assess damages upon demands cognizable before them with equal liberality and justice as the same might be done by a jury in similar cases, whereby complete right hath not been always done:

[Section III.] (Section VII, P. L.) Be it therefore further enacted and declared by the authority aforesaid, That in all causes of demand not exceeding ten pounds which is [sic] [are] properly cognizable by the laws of this state before any justice of the peace, every such justice hath authority and ought to proceed therein and to assess damages as fully as the same might in like case be done in a court of law by a jury, and not otherwise.

[Section IV.] (Section VIII, P. L.) Provided nevertheless and be it further enacted by the authority aforesaid, That the repeal aforesaid shall not discontinue, stay or affect any suit or action now depending or which shall be commenced before the said first day of May next, under the act which is repealed as aforesaid, but the same act shall still continue and be in force for the purpose of attaining the full effect and purpose of every such suit and action as efficaciously as if this act had not been made.

Passed April 5, 1785. Recorded L. B. No. 2, p. 520. See the note to the Act of Assembly passed March 1, 1745-46, Chapter 365. The act in the text was repealed by the Act of Assembly passed April 19, 1794, Chapter 1754.

## CHAPTER MCLXI.

AN ACT TO REPEAL AND ALTER SUCH PARTS OF THE EXCISE LAWS AND OTHER TAX LAWS OF THIS COMMONWEALTH AS EMPOWER THE COLLECTORS OF THESE TAXES TO BREAK OPEN DWELLING HOUSES IN ORDER TO MAKE SEIZURES AND DISTRESSES BEFORE OATH OR AFFIRMATION BE FIRST MADE, AFFORDING SUFFICIENT FOUNDATION FOR SO DOING; THE ACTS OF ASSEMBLY WHICH AUTHORIZE THE SUPREME EXECUTIVE COUNCIL OF THIS STATE TO INFILCT FINES IN A SUMMARY MANNER UPON COMMISSIONERS OF COUNTIES; THE ACTS OF ASSEMBLY MADE FOR DISCOURAGING DESERTION, SO AS TO ALLOW TRIAL BY JURY TO PERSONS CHARGED WITH THE HARBORING OR AIDING DESERTERS FROM THE ARMIES OR SHIPS OF THE UNITED STATES OF AMERICA, OR OF HIS MOST CHRISTIAN MAJESTY; AND TO RESTORE THE [LIKE] PRIVILEGE TO PERSONS DAMAGED BY SHIPS RUNNING FOUL OF EACH OTHER.

(Section I, P. L.) Whereas the acts of assembly imposing an excise upon wine and spirituous liquors and for raising county rates and levies,<sup>1</sup> and also divers other acts of assembly for laying and assessing of taxes within the city of Philadelphia and the townships, districts and precincts within this state, empower the collectors of the taxes aforesaid, respectively, in certain cases, to break open dwelling houses without oath or affirmation first made, affording sufficient foundation for the same, in direct violation of the tenth section of the bill of rights, being a part of the constitution of this commonwealth:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That no collector or deputy collector of excise, nor any collector of county rates and levies or of any other assessment on the real and personal estates of the people of this state, shall hereafter presume to break open any dwelling house in order to make seizure of any goods and chatt-

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<sup>1</sup> Passed March 20, 1724, Chapter 284.

tels or in order to distrain the same for any tax, until oath or affirmation be made by some credible person affording sufficient foundation for the same, before some judge of the supreme court or justice of the peace of the proper county; or in case of county rates and levies or other tax upon real and personal estate, or poll tax therewith assessed before the commissioners of the proper county, wardens of the city of Philadelphia, commissioners for paving the streets of the said city, respectively, which judge, justice of the peace, and which commissioners and wardens or the major number thereof, for the tax they respectively superintend, shall have power and they are hereby authorized to administer such oath or affirmation, and thereupon to issue his or their warrant, under hand and seal, enabling the collector applying for the same to break open such dwelling house.

[Section II.] (Section III, P. L.) Provided always and be it further enacted by the authority aforesaid, That before any such warrant be granted as aforesaid, probable cause be shown that the goods and merchandises which shall be represented to be forfeited are lodged, and that the same may be found in such dwelling house, and in the case of other taxes aforesaid, that demand thereof and refusal or neglect to pay the same be first attested before such judge, justice of the peace or such commissioners and wardens, and no dwelling house shall be broken open after sunset, nor before sunrise in order to levy any such tax nor unless sufficient distress cannot be otherwise had within the ward, township or district; and the person or persons whose refusal or neglect to satisfy such tax shall give ground for such warrant, shall be liable to the cost of such warrant to be levied with the tax.

(Section IV, P. L.) And whereas in and by the act of assembly, entitled "An act to raise effective supplies for the year one thousand seven hundred and eighty-one,"<sup>2</sup> passed on the first day of June in the same year; and by an act of assembly, entitled "An act to raise supplies for the year one thousand seven hundred and eighty-two,"<sup>3</sup> passed on the twenty-fourth day of

<sup>2</sup> Passed June 21, 1781, Chapter 944.

<sup>3</sup> Passed March 27, 1782, Chapter 961.

March in the same year, and by another act, entitled "An act for providing the quota of federal supplies for the year one thousand seven hundred and eighty-three, and for the relief of the citizens of this state who have been creditors of the United States of America by loans of money or other means of furnishing public supplies,"<sup>4</sup> passed on the twenty-first day of March, one thousand seven hundred eighty [and] three, it is enacted, that the supreme executive council of this state should proceed in a summary way against county commissioners, neglecting or refusing to perform the duties upon the same commissioners, enjoined by the acts of assembly last recited, and to lay, impose and levy upon the same commissioners, severally, fines not exceeding five hundred pounds for each offence:

(Section V, P. L.) And whereas the authority so as aforesaid by the said acts vested in the supreme executive council is new and extraordinary and not warranted by the constitution of this commonwealth, which hath declared, "that trial by jury shall be as heretofore," and commissioners of counties are liable to be indicted and punished in the courts of law for their neglects and contempts of the acts of assembly of this state and other misdemeanors in office.

Wherefore,

[Section III.] (Section VI, P. L.) Be it enacted by the authority aforesaid, That the acts of assembly for raising and providing supplies above recited, as far as the same acts or any of them extend to enable the supreme executive council to proceed in a summary way and to lay and levy fines upon county commissioners as aforesaid, shall be and the same are hereby repealed and made void.

[Section IV.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That in every case of neglect, contempt or refusal as aforesaid, the said commissioners shall severally be liable to be proceeded against by indictment and to be punished for the same by the justices of the peace or by the justices of oyer and terminer and general gaol delivery, by fine, according to the nature of the offence.

(Section VIII, P. L.) And whereas the acts of assembly of this state heretofore passed to discourage desertion and to punish

such persons as should harbor, entertain, conceal or assist deserters, or promote desertion from the armies, or from the ships of war of the United States, or of his most Christian Majesty, have deprived the persons who may be charged with such offences of trial by jury, and subjected such persons to heavy fines, and to imprisonments, and even whipping, to be inflicted by justices of the peace, proceeding after a summary way:

And whereas the authority so given as aforesaid, being unusual and odious, is seldom exerted, and is moreover contrary to the constitution of this commonwealth:

[Section V.] (Section IX, P. L.) Be it therefore enacted by the authority aforesaid, That any person who now is or hereafter shall be charged with knowingly harboring, entertaining, concealing or assisting deserters, or in promoting desertion from the armies or ships of war, of the United States of America, or of his most Christian Majesty, contrary to the provisions and prohibitions of the acts last aforesaid, or any of the said acts, shall suffer the pains and penalties of the same upon conviction in the proper court of quarter sessions of the peace or court of oyer and terminer and general gaol delivery, and not upon the summary authority aforesaid.

(Section X, P. L.) And whereas in and by the act of the general assembly, entitled "An act for the further regulation of the port of Philadelphia, and for enlarging the power of the wardens thereof,"<sup>1</sup> which was passed on the first day of April in the year of our Lord one thousand seven hundred and eighty-four, it is enacted that in case of ships running foul of each other the said wardens should hear, determine and award to the party injured or damaged such recompence for any damages thereby sustained as they or any three of them should deem reasonable, and the parties, severally, are by the same act debarred of trial by jury and concluded by the award of the said wardens, in direct violation of the bill of rights which hath established that in controversies respecting property and in suits between man and man the parties have a right to trial by jury, which ought to be held sacred.

[Section VI.] (Section XI, P. L.) Be it therefore enacted by

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<sup>1</sup> Passed April 1, 1784, Chapter 1095.

the authority aforesaid, That in all cases of ships and vessels running foul of each other, concerning which the wardens of the port of Philadelphia, shall in pursuance of the said act, make any award, or pass any judgment, either of the parties, who may be dissatisfied with such award or judgment may appeal therefrom to the supreme court within five days after he, she or they [shall] have notice of such award or judgment, and not afterwards, and the party so appealing as aforesaid shall within the three first days of the next ensuing term cause an entry of such appeal to be made with the prothonotary of the said court and the said court shall proceed therein as nearly as may be after the manner in which the county courts of common pleas are directed to proceed in appeals from justices of the peace in the case of debts and demands above forty shillings, and not exceeding five pounds by an act of assembly, entitled "An act for the more easy and speedy recovery of small debts,"<sup>2</sup> passed in the late province of Pennsylvania on the first day of March, one thousand seven hundred and forty-five.

(Section XII, P. L.) Provided always, That if the judgment of the said wardens in any case be affirmed, the party appealing as aforesaid shall be adjudged to pay double costs to the party appealed, together with lawful interest on the sum by the same wardens in such case awarded, from the time of making such award.

[Section VII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That nothing in the same "Act for the further regulation of the port of Philadelphia and for enlarging the powers of the wardens thereof,"<sup>1</sup> shall debar the party who shall be injured or damaged by the running foul of any ships or vessels as aforesaid from commencing a suit or action for the damages thereby done as in other cases, without first applying to the said wardens for redress.

(Section XIV, P. L.) Provided nevertheless, That if any person or persons shall commence any such action as aforesaid and shall recover less than fifty pounds as damages, he, she or they, shall not recover any costs of suit.

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<sup>2</sup> Passed March 1, 1745, Chapter 365.

<sup>5</sup> Chapter 10\$5.

[Section VIII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That all and every of the acts of assembly herein before recited which may be affected or altered by this act shall be and the same are and is hereby repealed so far and no further than shall be required to give effect and operation to this act.

Passed April 5, 1785. Recorded L. B. No. 2, p. 514. See the note to the Act of Assembly passed March 20, 1724-25, Chapter 284, and the Act of Assembly passed March 24, 1786, Chapter 1218.

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## CHAPTER MCLXII.

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### AN ACT TO EMPOWER THE SUPREME EXECUTIVE COUNCIL TO DRAW ON THE TREASURER OF THIS STATE FOR THE SUM OF FIVE HUNDRED POUNDS IN FAVOR OF THOMAS PAINE, ESQUIRE.

(Section I, P. L.) Whereas during the late revolution, and particularly in [the] most trying and perilous times thereof, many very eminent services were rendered to the good people of Pennsylvania, and other parts of the United States by Thomas Paine, esquire, accompanied with sundry distinguished instances of fidelity, patriotism and disinterestedness:

(Section II, P. L.) And whereas the said Thomas Paine, did, during the whole progress of the revolution, voluntarily devote himself to the service of the public, without accepting recompence therefor, and moreover did decline taking or receiving the profits, which authors are entitled to, on the sale of their literary works, but relinquished them for the better accommodation of the country, and for the honor of the public cause:

(Section III, P. L.) And whereas besides the knowledge which this house has of the services of the said Thomas Paine, the same have been recommended to us, by message of his excellency the president and the supreme executive council of this state, of the sixth day of December last past, and by the friendly offices of the late patriotic commander-in-chief, General Washington:

(Section IV, P. L.) And whereas it is just and right and consistent with the true character and principles of a republic, that when services and benefits have been received by the citizens thereof, more especially those done in times of public danger and foreign invasion, that they on their part acknowledge and recompense the same:

(Section V, P. L.) And whereas it is the design and intention of the good people of this state so to do to the said Thomas Paine:

Therefore:

[Section I.] (Section VI, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That as a temporary recompense to the said Thomas Paine and until a suitable provision shall be further made, either federally by congress or otherways, that the supreme executive council be authorized and empowered, and they are hereby authorized and empowered to draw on the treasurer of this state, for the sum of five hundred pounds in favor of and payable to the said Thomas Paine.

Passed April 5, 1785. Recorded L. B. No. 2, p. 519.

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## CHAPTER MCLXIII.

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### A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR ACKNOWLEDGING AND RECORDING OF DEEDS."<sup>1</sup>

(Section I, P. L.) Whereas by a supplement to the act, entitled "An act for acknowledging and recording of deeds,"<sup>2</sup> passed the eighteenth day of March in the year of our Lord one thousand seven hundred and seventy-five, it was enacted that all deeds and conveyances, which, from and after the publication thereof should be made and executed within the then province, now

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<sup>1</sup> Passed May 28, 1715, Chapter 208.

<sup>2</sup> Passed March 18, 1775, Chapter 706.

state, of and concerning any lands, tenements and hereditaments, in this state, or whereby the same might be any way affected in law or equity, should be acknowledged by one of the grantors or bargainors, or proved by one or more of the subscribing witnesses to such deeds, before one of the judges of the supreme court or before one of the [justices of the] court of common pleas of the county where the lands conveyed lie. And whereas it frequently happens that the said judges of the supreme court are all necessarily absent at the same time from the city of Philadelphia, attending the public business at the respective circuit and nisi prius courts of this state, and it may be necessary for the convenience of the people that many deeds and conveyances of land, lying in the remote counties of this state, should be acknowledged or proved in the city or county of Philadelphia during such absence of the said judges.

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all acknowledgments and probates of deeds and conveyances, of and concerning any lands, tenements or hereditaments, lying within any part of this state, made and done before the president of the court of common pleas for the county of Philadelphia or the president of the court of common pleas in any other county within this state, shall be as effectual and available in law to all intents and purposes whatsoever as if the same were done before one of the judges of the said supreme court, any law, usage or custom to the contrary in any wise notwithstanding.

Passed April 8, 1785. Recorded L. B. No. 2, p. 524. See the note to the Act of Assembly passed May 28, 1715, Chapter 208.

## CHAPTER MCLXIV.

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AN ACT TO PROVIDE FURTHER REGULATIONS WHEREBY TO SECURE FAIR AND EQUAL PROCEEDINGS IN THE LAND OFFICE AND IN [THE] SURVEYING OF LANDS.<sup>1</sup>

(Section I, P. L.) Whereas the time for opening the land office of this state, for the lands contained within the purchase lately made by the commonwealth of the Indian natives, of all the residue of waste lands within the charter bounds of Pennsylvania, as the same have been adjusted between this state and the state of Virginia, is fixed to be from and after the first day of May next, when it is probable that numerous applications will be made to the said land office at the same time, for lands within the bounds of the said late purchase; and the officers of the land office must necessarily be obliged to give preference to some persons before others, whose applications may be made equally early, and thereby great dissatisfaction must arise, unless some provision be made by law to regulate the same:

For remedy whereof,

[Section I.] (Section II, P. L.) Be it enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the time assigned for opening the said land office as aforesaid, until the end of the tenth day thereafter, being the eleventh day of the month, the secretary of the land office, upon the whole of the purchase money being deposited in the hands of the receiver-general of the land office and not otherwise, and upon acquittance for the same being shown to the said secretary, he shall receive and file all applications made to him for lands within the said late purchase, not exceeding one thousand acres in one application, numbering them respectively from number one, after the common progression, to the last which shall be received within the same ten days; and every

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<sup>1</sup> Passed April 9, 1781, Chapter 940.

such application shall set forth in words at length, and not in figures only, the number of acres asked by each applicant respectively; after which the said secretary shall proceed to enter all such applications and to make a fair and accurate list thereof, and upon each application so entered, shall issue a warrant for such quantity as is contained in the application respectively, provided the same does not exceed one thousand acres, to the person entitled to the same, giving preference and priority of number to him to whom such preference and priority shall fall, upon a fair lottery to be made by the said secretary, as herein after directed; and so to the next in order, until a warrant be issued upon every of the said applications, according to their preference and order, to be adjusted as aforesaid: And the said lottery shall be formed and conducted in manner following, that is to say; the name of the first applicant, together with the number of acres applied for by such person, shall be written on an oblong piece of paper, as nearly as may be of the breadth of two inches, and of the length of three inches, and the said piece of paper or ticket, shall be closely rolled up and bound, and then put within a lottery wheel, and in the like manner the name of the second applicant, and so of the third, and the rest of the same tickets in their order, till every of the applications so received as aforesaid, being first severally rolled of equal size and shape, shall be put within the same wheel; and then other tickets, on each whereof shall be written a distinct number, beginning with number one, and proceeding by the common arithmetical progression, till on the last thereof there be written the last or highest number of the said applications; which last mentioned papers or tickets, being first rolled up and bound in equal size and form with each other, shall be put within another lottery wheel; and after the said two kinds of tickets shall be disposed of as above directed, within their respective wheels, the same wheels shall be turned about so many times as to shake and intermix the respective tickets in each wheel; which being done, the same tickets shall be deliberately and singly drawn, one out of each wheel at a time, in the manner of a lottery; and the number first drawn out of the last mentioned wheel shall be considered as the number of the

application to be drawn at the same time out of the other wheel, and as such shall be marked in the aforesaid list, over against the same application and so of the second and third drawn, and of the rest thereof, until all of the said tickets be drawn as aforesaid: And the warrants to be issued on the said applications shall severally be numbered according to the decision of the said lottery, and shall bear date on the day in which the drawing thereof shall be finished; and all applications to the said land office, which shall be made after the expiration of the said ten days, for lands within the said late purchase, being made as above directed, shall have priority according to the order in which they shall severally come to the hands of the said secretary, and shall be numbered accordingly, and not otherwise, and all warrants for land within the said late purchase, as well those, the priority of which shall depend upon the said lottery, as others shall be made out in their proper order as aforesaid, upon payment of the legal fees by the person who shall produce the acquittance of the [said] receiver-general for the purchase money, as soon as conveniently may be without any needless delay, and without partiality.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every warrant for land within the said late purchase shall be directed by the surveyor-general to the deputy-surveyor of some one district within the same purchase, in order that the same warrant may be duly executed, and the quantity of land therein specified surveyed and located, according to the tenor of such warrant; but if land to the satisfaction of the person, who shall have property in any such warrant, be not found within such district, then and in such case the deputy-surveyor to whom such warrant was directed, shall, on the desire of the person entitled to the same, certify by indorsement thereon in writing, witnessed by two subscribing witnesses, that the same warrant has not been executed within this district, and shall re-direct the same warrant to the deputy-surveyor of some other district, within the said late purchase; and upon producing the warrant so certified as aforesaid, the deputy-surveyor, to whom the same may be directed, shall proceed upon, and execute such warrant, in like manner, and with

the like effect, as if it had been so directed by the surveyor-general.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no deputy-surveyor shall execute any such warrant as aforesaid unless the same warrant be directed to him as is above set forth, nor shall any deputy-surveyor proceed to measure any land upon any warrant within the said late purchase until the expiration of thirty days from and after the day of the date of the warrant, which for preference and priority shall be dependent on the aforesaid lottery; and during the latter twenty of the said thirty days, each deputy-surveyor of lands within the said late purchase, shall keep open his office, and give his personal attendance therein, for at least six hours in every of the said twenty days (Sundays excepted) for the purpose of receiving the warrants to be issued, and directed as aforesaid; and every such deputy-surveyor shall, on or before the first day of May next, certify in writing to the said surveyor-general, the county, township and place, where such deputy-surveyor shall keep his office open for the purpose aforesaid, in order that all persons who may apply for lands as aforesaid may be duly informed thereof; and that every deputy-surveyor, who shall receive any such warrants shall make fair and clear entries of all warrants put into his hands, in a book to be provided by him for that purpose, distinguishing therein the names of the grantees, quantities of land, number and date of each warrant, and the day on which such deputy-surveyor shall receive the same respectively, and whatever shall be done concerning every such warrant; which book shall be opened at all seasonable hours to every applier, who shall be entitled to copies of any entry therein, to be certified as such, and signed by such deputy-surveyor.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That after thirty days from the date of every such warrant, the priority of which shall depend on the lottery as aforesaid, but not sooner, the deputy-surveyor, to whom the same shall be directed as aforesaid, may and shall proceed to execute such warrant in the usual manner, if thereunto requested by the owner thereof, or his agent, giving pre-

ference always to the lowest in number of those unexecuted warrants, which shall have come to his hands, in case the owner thereof, or his agent, shall be ready to proceed with the said deputy-surveyor, and to direct him to the place where such person shall be desirous, that the same should be executed.

(Section VI, P. L.) Provided always, That none of the said warrants, that shall not be finally lodged and left with one of the deputy-surveyors of the lands within the said late purchase, for survey and location within the district of such deputy-surveyor, before the said thirty days be expired, shall be entitled to the priority aforesaid, but shall be considered as posterior to any warrant that shall have been lodged within the thirty days, and be surveyed and located accordingly.

(Section VII, P. L.) Provided also, That if any person having right to any warrant for the surveying of lands within the said late purchase, shall fix upon, and shall desire, that his warrant be located to a particular place or piece of vacant land, the deputy-surveyor of the district in whose hands the warrant shall be, shall accordingly make an entry thereof in his aforesaid book, and shall afterwards proceed to survey the same upon such warrant, unless some person claiming under a warrant entitled to priority by the aforesaid lottery, shall insist upon having his survey made at the same place, in which case the warrant which had been so located, and superseded as aforesaid, shall be entitled to a second location as before, liable to a claim under another prior warrant as before, and so toties quoties, till the same shall be undisputed. Provided nevertheless, That the person claiming to have land surveyed to him, under any warrant for land in the [said] late purchase, may, at any time before actual survey be made, renounce such location, and withdraw his or her warrant, and deliver the same warrant to the deputy-surveyor of any other district within the said late purchase, in the manner herein before provided and declared; and may afterwards again, in like manner, withdraw the same, and deliver it to the deputy-surveyor of another district, and so on, till the quantity of land therein mentioned be surveyed, and the same established in the order and manner aforesaid.

[Section V.] (Section VIII, P. L.) And be it further enacted

by the authority aforesaid, That all warrants of survey that shall be issued by the said land office of this state, after (and the priority of which shall depend on) the drawing of the said lottery, for lands within the said late purchase, shall be executed in the order, and have preference of survey, as they shall severally be earliest delivered to the deputy-surveyor of the district to whom they be directed, who shall make survey thereupon, and for that purpose, the said surveyor-general shall register the same warrants and every of them in the order they shall come to his office, in the manner directed in respect to the warrant first aforesaid; and every survey of the lands within the said late purchase, which shall be made in pursuance of this act, and of the former acts of this commonwealth for opening and regulating the land office, shall be duly returned into the office of the said surveyor-general, as soon as conveniently may be after such survey shall be made upon the payment or tender of the fees, to which such deputy-surveyor shall be legally entitled for his services therein, and if any such survey shall have been made on or before the thirty-first day of December in any year and shall not be returned into the office of the said surveyor-general on or before the last day of March, in the year next following, the same survey shall be void, as to future surveys, which shall be sooner returned, and filed in the office of the surveyor-general; and if such avoidance shall happen by the neglect or default of the deputy-surveyor who surveyed the same, such deputy-surveyor shall be answerable to the party thereby damaged for all the damages he or she shall sustain by such neglect or default as aforesaid, and the party shall be entitled to a new warrant to survey other land elsewhere, to satisfy his original application.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That every survey hereafter to be returned into the land office of this state, upon any warrant which shall be issued after the passing of this act, shall be made by actual going upon and measuring of the land, and marking the lines, to be returned upon such warrant, after the warrant authorizing such survey shall come to the hands of the deputy surveyor to whom the same shall be directed, and every survey

made theretofore shall be accounted clandestine, and shall be void, and of no effect whatsoever; and every deputy-surveyor, upon request to him made, shall give a receipt in writing, signed by him, to the person delivering any warrant of survey, for which the fee of six pence shall be paid by the party requesting the same, in which receipt shall be set forth the day and year when, and the order in which the same warrant shall have come to the hands of such deputy surveyor, and also the grantee's name and surname, and the number of acres to be surveyed thereon, and also the number of the same warrant.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That every deputy-surveyor shall, within the month of February in every year, make a general list (and shall return the same into the office of the surveyor-general) of all the warrants upon which he shall have made any survey during the year preceding, therein setting forth, in a summary manner, what quantity of land he hath surveyed upon each warrant, distinguishing every warrant by its number, date and the name of the grantee, and also the situation of every tract so surveyed, respectively.

[Section VIII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the appointment of all deputy-surveyors of lands in this state shall hereafter be by the said surveyor-general, subject to the approbation of the president or vice-president in council, and the surveyor-general shall be answerable for the persons so appointed, and that before the opening of the land office for the late purchase as aforesaid, every deputy-surveyor then in office, and every deputy-surveyor thereafter to be appointed shall give bond to the commonwealth, with two sureties, to be approved by the president or vice-president in council, who shall be bound with such deputy-surveyor in the sum of one thousand pounds, conditioned for the due, faithful and equal discharge of his duty according to law, which bond shall be recorded in the office for recording deeds in the proper county, and be liable to such use and suit, and be of like avail to persons damaged by such deputy-surveyor, as bonds given by the sheriffs of this state are liable, and moreover, the secretary of the land office, the receiver-general

of the same, and the surveyor-general of this state, and every deputy-surveyor now in office, and hereafter to be appointed, shall swear, or being conscientiously scrupulous of taking an oath, shall affirm as followeth: "I, A. B. do swear (or do solemnly, sincerely and truly declare and affirm) that I will do and perform the duties of the office of \_\_\_\_\_ with fidelity and impartiality to all men;" which oath or affirmation shall be taken before one of the justices of the supreme court or one of the justices of the peace of the proper county, and the same being put into writing, signed by the officer taking the same, and by the said justice, shall be filed in the office of the clerk of the peace of the county, wherein such officer shall execute his said office.

[Section IX.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the number of districts to be formed within the said new purchase and the extent and boundaries of each of the same districts shall be ascertained and declared by the surveyor-general, to be approved of by the president or vice-president in council who at their discretion may afterwards alter the same.

[Section X.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all islands within the bed of the river Susquehanna, and of the east or west branches thereof, and of the rivers Ohio, Allegheny and Delaware, which be within the said new purchase, together with the appropriated lands northwestward of the rivers Ohio and Allegheny, and right of pre-emption of one thousand acres of land in the forks of Sinnemahoning near the Great or Buffalo Swamp, which is hereby reserved and granted to General James Potter shall be excepted and reserved from all such applications as are herein before mentioned, and from all surveys under the same; and the said islands, and every of them, may and shall be sold by public sale or otherwise, by special order of the president or vice-president in council concerning each of them, for the best prices that can be gotten for the same islands, and all occupancy and every survey, claim or pretences, for holding the same islands, or any of them, by any other title, shall be utterly void; saving always the pre-emption heretofore granted to William Irwin,

esquire, of Montour's island, in the river Ohio, and other, the pre-emption rights heretofore granted by law.

[Section XI.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any officer or other person, who is enjoined or required to do or perform anything by this act shall neglect or refuse to perform the same, he shall (besides being liable to the party grieved for damages) be punishable for his neglect or refusal as aforesaid, and likewise for any other misbehavior, abuse of trust, and for any fraud therein, by fine and imprisonment, at the discretion of the court of the proper county.

[Section XII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That in making any survey by any deputy-surveyor, he shall not go out of his proper district to perform the same, and that every survey made by any deputy-surveyor without his proper district shall be void and of none effect, and the surveyor-general and his deputies are hereby severally directed and enjoined to locate and survey, or cause to be located and surveyed, the full amount of land contained and mentioned in any warrant, in one entire tract, in such manner and form, as that such tract shall not contain in front on any river, more than one half of the length or depth of such tract, and to conform the lines of every survey in such manner, as to form the figure or plot thereof, as nearly as circumstances will admit, to an oblong of three times the breadth thereof. And in case any such survey should be found to contain a greater quantity of land, than is mentioned in the warrant on which it shall be made, so that such excess be not more than one tenth of the number of acres mentioned in such warrant besides the usual allowance for highways, the return thereof shall nevertheless be admitted under the said warrant. Provided the party procuring such return to be made shall forthwith pay to the receiver-general of the land office the price or value of such excess or overplus land, at the same rate at which he paid for the land mentioned in the warrant. Provided always, That all and singular the lands to be located, surveyed and taken up by virtue and according to the directions of this act, shall not be subject to nor charged with any general tax for the use of this

state, or of the United States for the term of two years from and after the passing of this act.

[Section XIII.[ (Section XVI, P. L.) And be it enacted, That the fees of the officers of the general land office of this state shall be the following, and no other, viz: The fees of the secretary of the said land office shall be these:

Receiving, filing and registering any application for land, and recording or entering of warrant three shillings.

Every ticket to the receiver-general, for the payment of the consideration money; and to the surveyor-general to examine if the land applied for be clear of prior claims or surveys, and for all other examinations, before a warrant be granted, and for the said warrant eight shillings.

Acceptance of the surveyor-general's return, examining the same, warrant for the great seal, entry of the patent, lodging it in the office of the master of rolls, and for the patent on parchment nineteen shillings.

Every office copy furnished for every line thereof containing twelve words, one penny.

Attesting every such copy and for seal two shillings and six pence.

Every caveat, three shillings and six pence.

A citation, one shilling and six pence.

A copy of judgment of the board of property, seven shillings and six pence.

Every recital of transference, one shilling and six pence.

Every search, one shilling and six pence, if found, and nine pence, if not found.

For the great seal, six shillings.

For the lesser seal, two shillings and six pence.

And the following fees, and no other shall belong to the surveyor-general:

For registering and filing every warrant for land issued by the secretary, for the copy thereof directed to his deputy-surveyor to execute, and the seal of his office affixed, seven shillings and six pence.

Searching for a warrant, return of survey, if the same be found one shilling and six pence.

Like search, if not successful nine pence.

Copies attested, and seal thereto if six lines at twelve words to the line, or less, two shillings and six pence.

Copies attested, and seal thereto, if above six lines the same fee, and for each additional line, twelve words to the line, one penny.

Making a return of every warrant, after survey made, into the secretary's office, recording the same, and for a draught of the land fifteen shillings.

And the fees of the deputy-surveyors of land shall be the following, and none other.

For surveying the first hundred acres, or less quantity thirty shillings.

And for each hundred additional five shillings.

For a whole lot or plot, with return, five shillings.

For copies attested, for each copy, not exceeding six lines, at twelve words to the line, and if more, one penny for each line additional, one shilling and six pence.

For the receipt of the copy of the warrant from the surveyor-general, upon lodging the same with any of the deputies, six pence.

And the recompose of all chain carriers shall be as follows, viz:

To each chain carrier, three shillings per day, the person getting the survey to find a marker and pay the chain carriers.

And the fees of the receiver-general of the land office shall be the sums, which follow; and no other:

For every search in his office one shilling and six pence if found and nine pence if not found.

For receiving and entering in his books any sum of money on account, two shillings and six pence.

For every copy or transcript, for every line therein containing twelve words, one penny.

For the office seal and certificate, two shillings and six pence.

For final settlement, calculation, closing the account, receiving the money, and giving an acquittance for the same, including all necessary searches, seventeen shillings and six pence.

For a certificate to the president in council, of the payment

of the full consideration, before the patent be sealed, two shillings and six pence.

Which fees, as before said, shall be in full of all duties and demands to be made by the said secretary, surveyor-general, and his deputies, and by the said receiver-general respectively.

[Section XIV.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said secretary, surveyor-general and receiver-general, shall collect the said fees so assigned to their several offices respectively, and shall once in every three months account for the same, upon oath or affirmation, and pay the moneys thence arising to the treasurer of this commonwealth, for the use of the commonwealth, and the said officers shall be entitled to the salaries herein after set forth and declared, to be paid to each of them quarterly, as the same shall become due, upon orders to be drawn by the president or vice-president in council on the treasurer of this state, out of the fees aforesaid, that is to say; to the secretary of the land office, the yearly sum of eight hundred pounds; to the surveyor-general the yearly sum of eight hundred pounds, to the receiver-general, the yearly sum of eight hundred pounds, the same to continue two years, from and after the first day of May next, and that each of the officers aforesaid be further allowed a sum not exceeding three hundred pounds per annum for his clerk or clerks, besides a reasonable allowance for parchment, and other articles of stationary.

[Section XV.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That all the land within the late purchase from the Indians, not heretofore assigned to any other particular county, shall be taken and deemed, and they are hereby declared, to be within the limits of the counties of Northumberland and Westmoreland, and that from the Kit-taning up the Allegheny to the mouth of Conewago creek, and from thence up said creek to the northern line of this state, shall be the line between Northumberland and Westmoreland counties, in the aforesaid late purchase.

## CHAPTER MCLXV.

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AN ACT TO VEST THE PERSONAL ESTATE OF THE LATE CORPORATION OF THE MAYOR AND COMMONALTY OF THE CITY OF PHILADELPHIA, IN THE WARDENS OF THE SAID CITY, AND TO DIRECT THE IMMEDIATE SALE OF THE OLD GAOL AND WORKHOUSE OF THE COUNTY OF PHILADELPHIA, AND TO APPROPRIATE THE SAID PERSONAL ESTATE AND PART OF THE MOONEYS TO ARISE FROM THE SALE OF THE SAID GAOL AND WORKHOUSE, TO THE BUILDING OF TWO COURT HOUSES, ONE FOR THE SAID CITY, THE OTHER FOR THE SAID COUNTY, ON THE STATE HOUSE LOT IN THE SAID CITY, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas by the late revolution all powers and jurisdictions which were not founded on the authority of the people became null and void, and consequently the late corporation of the mayor, recorder, aldermen and common council of the city of Philadelphia, and their successors by the name of the mayor and commonalty of Philadelphia in the province of Pennsylvania was dissolved and extinguished:

(Section II, P. L.) And whereas the said mayor and commonalty before the late revolution, had for a valuable consideration obtained from sundry persons, certain bills, bonds and obligations, whereby the several obligors therein named were bound and holden to the said corporation of the mayor and commonalty of Philadelphia in divers sums of money, and the said moneys or sums of them were also further secured to the same corporation by deeds of mortgage defeasible upon the payment of the said sums of money, respectively, divers of the same obligations and mortgages have not been satisfied, and it is necessary, and withal highly just and equitable, that the said sums of money, which belong to the inhabitants of the said city should be recovered, and applied to the public use and benefit of the said city:

[Section I.] (Section II, P. L.) [sic] Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority

of the same, That the bills, bonds, obligations and mortgages aforesaid, which are now in the custody of the president in council, be and the same are hereby vested in the corporation of the wardens of the city of Philadelphia, and their successors, and the same shall be delivered to the said wardens, and they are hereby authorized, enabled and directed to sue for, recover and receive the moneys therein expressed and acknowledged to be due and payable as fully and effectually to all intents and purposes, as the said late corporation of the mayor and commonalty of Philadelphia, in the province of Pennsylvania, and their successors, might or could have done at any time before the fourth day of July, which was in the year of our Lord one thousand seven hundred and seventy-six, and the wardens of the said city and their successors, may bring actions of debt, and sue out writs of fieri facias, and other process, for the purpose aforesaid, in their own name, as if the said bills, bonds, obligations and all mortgages were payable to the wardens of the city of Philadelphia, and their successors, and upon recovery of the moneys due and payable thereupon respectively, and on payment thereof to their treasurer, shall execute proper releases and acquittances for the same.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation of the wardens of the city of Philadelphia, and their successors, shall be, and they are hereby invested with, and enabled to sue for, recover and receive in like manner, all other moneys, which on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, were due, owing or payable, or which were to become due, owing or payable afterwards, to the said late corporation of the mayor and commonalty of Philadelphia, in the province of Pennsylvania, and their successors, and which then remained unsatisfied as fully and effectually to all intents and purposes as the said mayor and commonalty might have sued for, and recovered the same in the courts of record in the province aforesaid.

(Section V, P. L.) Provided always, That the several persons who became bound and holden as obligors and debtors to the said mayor and commonalty of Philadelphia, by the said bills,

bonds, obligations and mortgages or otherwise, shall have and enjoy the indulgences of the act of general assembly, passed on the twenty-third day of December last, entitled "An act for directing the mode of recovering debts contracted before the first day of January in the year of our Lord one thousand seven hundred and seventy-seven."<sup>1</sup>

(Section VI, P. L.) And whereas, in and by the act of general assembly, passed in the late province of Pennsylvania, on the seventeenth day of February, which was in the year of our Lord one thousand seven hundred and sixty-two, entitled "An act for vesting the state house and other public buildings, with the lots of ground whereon the same are erected, together with other lots, situated in the city of Philadelphia, in trustees, for the uses therein mentioned,"<sup>1</sup> it is declared in substance, that, upon the payment of fifty pounds for the use of the said province, one lot of ground, parcel of the said state house lot, of the breadth of fifty feet on Chestnut street, and of the length of seventy-three feet on Sixth street, being the north-western corner of the said state house lot, should be, and remain to the use of the county of Philadelphia, and that upon payment of fifty pounds for the use of the said province, one other lot of ground, also parcel of the said state house lot, of the breadth of fifty feet on Chestnut street, and of the length or depth of seventy-three feet on Fifth street, being the north-east corner of the said state house lot should be, and remain to the use of the city of Philadelphia, with intent and purpose, that a public building should be erected on each of them, for holding of courts of common halls, for the use of the said city, and of the said county respectively, and that the said buildings should be made and constructed of like outward form or structure and dimensions.

(Section VII, P. L.) And whereas the said state house, together with the adjoining lot and piece of ground thereunto appertaining, by an act of general assembly of this commonwealth, entitled "An act for vesting the state house in the city of Philadelphia, the house in High street in the said city, appropriated to the use of the president of the supreme executive

<sup>1</sup> Passed April 3, 1781, Chapter 935.

<sup>1</sup> Passed February 17, 1762, Chapter 477.7

council for the time being; the Province island, and Great Mud island, the military barracks in the Northern Liberties of the city of Philadelphia, and in the northern part of the borough of Lancaster, the public store-house and magazine for securing gun-powder in the said borough, the several court houses, gaols, prisons and workhouses of the several counties of this state [and all other real estate] belonging to the public, in the commonwealth,"<sup>2</sup> was transferred from Samuel Rhoads and Edward Pennington, who survived the rest of the trustees aforesaid, was thereby vested in the commonwealth; subject to the several uses, intents, trusts, dispositions and directions for which the same had been theretofore appointed and limited, and to no other, and saving to all private persons, and bodies politic, their claims to the same, or any part thereof.

(Section VIII, P. L.) And whereas it appears to this house, that the commissioners for the county of Philadelphia, in behalf of said county and the wardens of the city of Philadelphia, on behalf of said city, have complied with the terms aforesaid, and have respectively paid to the treasurer of this state, the said sums of fifty pounds each, whereby the one described lot, the corner of Sixth and Chestnut streets and state house square, is hereby vested in the commissioners of the county of Philadelphia, and their successors; and the other before described lot in the wardens of the city, and their successors, forever, for the respective uses and purposes aforesaid; and it is proper that the court houses designed to be erected thereon, should be built; therefore:

[Section III.] (Section IX, P. L.) Be it further enacted by the authority aforesaid, That the president or vice-president in council, shall as soon as conveniently may be, direct the commissioners of the county of Philadelphia, to set up to sale, and [to] sell by public auction, to the best and highest bidder, the old gaol and workhouse of the county of Philadelphia, situate on High street, and extending southerly by the west side of Third street, in the said city, and the lot of ground thereto belonging, upon such terms of payment, as they shall see convenient, and to receive the consideration money, and pay into the hands

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<sup>2</sup> Passed February 28, 1780, Chapter 878.

of the commissioners, or trustees appointed for purchasing a lot of ground, and for erecting thereon a court house and prison, in and for the county of Montgomery, such part thereof as is apportioned and appropriated for that purpose, in and by an act of assembly, passed the tenth of September last past, entitled "An act for erecting part of the county of Philadelphia into a separate county,"<sup>1</sup> (which said commissioners or trustees shall lay their accounts of the expenditures thereof before the grand jury of the said county of Montgomery for their approbation and confirmation, and shall pay the overplus, if any, into the hands of the treasurer of said county), and to apply such further sum of said consideration, not exceeding three thousand pounds in the whole, to the purpose of erecting the court house aforesaid, on the northwest corner of the said state house lot; and the residue of the money which shall arise from the sale of the said old gaol, workhouse, and the lots thereto belonging, shall be added to, and expended as part of the public stock of the county of Philadelphia; and upon payment of the full price and consideration for the said lots, sold as aforesaid, the president or vice-president in council shall execute deeds under the great seal, vesting in buyers of the same, or any part thereof, estates in fee simple, subject to an irredeemable rent of an acorn per annum, forever, payable if demanded, to the commonwealth.<sup>1</sup>

[Section IV.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the wardens of the city of Philadelphia, of the moneys which shall come to their hands out of the personal estate of the late mayor and commonalty of Philadelphia, as aforesaid, together with all interest which has, or which shall accrue thereon, shall apply a sum not exceeding three thousand pounds, to the erecting a court house on the northeastern corner of the said state house lot as aforesaid; and if the same personal estate shall fall short of completing the said building, such sums as shall be necessary, shall be taken out of the common stock of the said city, in the hands of the treasurer of the said wardens; and after finishing the said building, if any of the moneys arising as aforesaid, shall be left, the

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<sup>1</sup> Passed September 10, 1784, Chapter 1108.

same shall be added to the said common stock, and applied therewith to the same uses.

[Section V.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the county of Philadelphia, and the wardens of the said city, shall submit the plans, whereby the said court houses shall be erected, to the approbation of the president or vice-president in council, in order that their outward forms may be alike and uniform as aforesaid.

Passed April 8, 1785. Recorded L. B. No. 2, p. 527. See the Act of Assembly passed September 13, 1785, Chapter 1177.

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## CHAPTER MCLXVI.

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### AN ACT FOR THE RELIEF OF DIVERS OFFICERS, LATE OF THE STATE NAVY.

(Section I, P. L.) Whereas the officers late of the navy of this commonwealth, who were deranged by the state in the year of our Lord one thousand seven hundred and seventy-eight, have, by their petition, represented to this house, that their services to this state, and virtually to the United States were interposed at a perilous and critical period of the late war, and would have been cheerfully continued had the state deemed it necessary to employ them: And whereas it appears that the officers of the army, and those of the navy who continued in service, have been allowed the depreciation of their pay, with other emoluments:

(Section II, P. L.) And whereas it is just and reasonable that provision should be made for granting the depreciation of their pay to those who were deranged as aforesaid:

Therefore:

[Section I.] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said officers shall and they are hereby respectively entitled to have the depreciation of their

pay accounts, between the first day of January, one thousand seven hundred and seventy-seven, and the time of their derangement as aforesaid, settled in the same manner, and like certificates granted to them, as the officers of the state navy who continued in the service have received or are entitled to by law, and the comptroller-general is hereby directed and authorized to proceed accordingly.

Passed April 8, 1785. Recorded L. B. No. 2, p. 541.

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## CHAPTER MCLXVII.

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AN ACT FOR ESTABLISHING THE OFFICE OF A REGISTER OF ALL GERMAN PASSENGERS, WHO SHALL ARRIVE AT THE PORT OF PHILADELPHIA, AND OF ALL INDENTURES BY WHICH ANY OF THEM SHALL BE BOUND SERVANTS FOR THEIR FREIGHT, AND OF THE ASSIGNMENTS OF SUCH SERVANTS IN THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas, by several acts of assembly of the province of Pennsylvania, all masters of vessels, merchants and others, importing by land or by water any men or women passengers or servants are obliged within the space of twenty-four hours after their arrival, to make entry and give or cause to be given upon oath or affirmation to the officer for that purpose appointed, a true and just account of all the names of the servants and passengers so imported, which account the said officer should duly enter with the mayor of the city of Philadelphia, if such passengers were designed to be landed at Philadelphia. And that the said mayor should examine into the character and circumstances of such servants and passengers, and grant certificates containing the names of all the servants or passengers which he should judge fit to be landed; and that every indenture, whereby any such German passenger should be bound to serve his or her master or mistress, should be acknowledged before the mayor or recorder of the city of Philadelphia, and he keep and exact record thereof clearly expressing the province, county, city, borough or township wherein such

master or mistress resides, and that the said mayor and recorder in the said city should in like manner keep a record of the assignments of servants, therein expressing the places of the assignee's abode:

(Section II, P. L.) And whereas since the change of the government of Pennsylvania, the offices of mayor and recorder of the city of Philadelphia have been vacated, and the justices of the peace of the said city collectively, or any three of them by an act of this commonwealth, are empowered to do and perform certain special matters and things, formerly directed to be done and performed by the mayor, recorder and aldermen of the said city; but no provision has been hitherto made by law for registering the names of the German passengers, who shall arrive at the port of Philadelphia, and taking the acknowledgment of the indentures of such passengers as shall or may bind themselves servants for their freight: And whereas reason and justice require that the officer who is to execute so important a trust for foreigners, should be fully acquainted with their language, and able to converse with them.

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That an office for registering all German passengers who at any time hereafter shall arrive at the port of Philadelphia, and the execution of all such indentures by which any of such passengers shall bind him or herself servants for their freight, shall be and is hereby established; and that a person understanding and speaking the English and German languages with ease and propriety, an inhabitant of the said city, in confidence and reputation with the public for his integrity and discretion, shall from time to time be appointed and commissioned by the president or vice-president in council, and being duly sworn to the true and faithful performance of the several duties required of him by this act, before the chief justice or any one of the judges of the supreme court of this state shall be the register of German passengers arriving in the port of Philadelphia, and by virtue of his said office, shall use and exercise all the powers and authorities of a justice of

the peace for the city and county of Philadelphia, as far as the same shall be required for the support and efficacy of his office and the laws respecting the importation of German passengers and binding them out servants and not otherwise; and that the health officer having received from the captain of any vessel importing German passengers the list of their names, shall with his German interpreter review all the said passengers on board, men, women and children, and inquire whether any of them are superannuated, impotent or otherwise likely to become chargeable to the public, and make report thereof in writing to the said register, who if he approves thereof, shall enter the same in a book for that purpose to be kept by him, and transmit the original thereof to the office of the secretary of the supreme executive council and give his order and license to land such of them as are returned sound, without any defect in mind and body.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all indentures of such German passengers, men, women and children, by which they shall be bound to serve, and all assignments of servants made within the said city shall be made and acknowledged before the said register or his lawful deputy and by him certified, and the full contents thereof entered and registered in the same manner, and to the same effect, as servants indentures and assignments of servants were heretofore by law made and acknowledged before the mayor of the city of Philadelphia, and by him registered; and that all persons whom it may concern shall be entitled to have a copy or abstract of such register.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the fees of the said register shall be the same as were usually taken by the mayors of the said city, until it shall be otherwise provided by act of assembly.

Passed April 8, 1785. Recorded L. B. No. 2, p. 522. See the Act of Assembly passed January 27, 1749-50, Chapter 381.

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